

# **EXHIBIT E**

INITIAL PAROLE CONSIDERATION HEARING  
STATE OF CALIFORNIA  
BOARD OF PAROLE HEARINGS

In the matter of the Life )  
Term Parole Consideration )  
Hearing of: ) CDC Number J-92682  
 )  
LAMERLE JOHNSON )  
 )  
 )  
 )  
----- )

MULE CREEK STATE PRISON  
IONE, CALIFORNIA  
MARCH 22, 2006

PANEL PRESENT:

Mr. Archie "Joe" Biggers, Presiding Commissioner  
Ms. Noreen Blonien, Deputy Commissioner

OTHERS PRESENT:

Mr. Lamerle Johnson, Inmate  
Mr. Larry Chlabek, Attorney for Inmate  
Mr. Sean Gallagher, Deputy District Attorney  
Correctional Officers Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____	No	See Review of Hearing
_____	Yes	Transcript Memorandum

Sue Gerdes, Peters Shorthand Reporting

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1 P R O C E E D I N G S

2 **DEPUTY COMMISSIONER BLONIEN:** We are on  
3 record.

4 **PRESIDING COMMISSIONER BIGGERS:** Okay  
5 this is an Initial Parole Consideration Hearing  
6 for Lamerle?

7 **INMATE JOHNSON:** Lamerle.

8 **PRESIDING COMMISSIONER BIGGERS:** Lamerle  
9 Johnson CDC number J-92682. Today's date is  
10 March 22<sup>nd</sup>, 2006. We are located at the Mule  
11 Creek State Prison in Ione. The inmate was  
12 received -- somebody moved my sheet. Let me  
13 just get my -- I misplaced my sheet here. The  
14 inmate was received on January 26<sup>th</sup>, 1996 and  
15 his life term started on 1/26/96 from the County  
16 of San Mateo. The inmate was received from San  
17 Mateo County and the life term began as I said  
18 before on 01/26/96 and the minimum eligible  
19 parole date 12/15/2006. Is that correct?

20 **DEPUTY COMMISSIONER BLONIEN:** I'm sorry I  
21 wasn't listening.

22 **PRESIDING COMMISSIONER BIGGERS:** MAPD was  
23 01/26 I think it should be --

24 **DEPUTY COMMISSIONER BLONIEN:** MAPD is  
25 12/15/06.

26 **PRESIDING COMMISSIONER BIGGERS:** 06 that  
27 is in fact correct. The controlling offense for

1 which the inmate has been committed is violation  
2 of Penal Code 209 one count with extenuating  
3 circumstances were 12022.5 use of a firearm.  
4 The kidnap ransom and use of a firearm is the  
5 commitment offense and there was also a count of  
6 robbery second degree with is a violation of  
7 2125B of the Penal Code. The case number is  
8 3C31800B. The inmate was sentenced to life plus  
9 eleven years. As I said before the minimum  
10 eligibility date of 12/15/06. Now this hearing  
11 is being tape recorded and for the purpose of  
12 voice identification each of us will state our  
13 first and last names, spelling our last name.  
14 When it is your turn Mr. Johnson I want you to  
15 after you spell your last name give me your CDC  
16 number. Starting at my left, going to my left,  
17 my name is Archie "Joe" Biggers I am a  
18 Commissioner with the Board of Parole Hearings.

19 **DEPUTY COMMISSIONER BLONIEN:** I am Noreen  
20 Blonien B-L-O-N-I-E-N and I'm a Deputy  
21 Commissioner.

22 **DEPUTY DISTRICT ATTORNEY GALLAGHER:** Sean  
23 Gallagher from the San Mateo District Attorney's  
24 Office S-E-A-N G-A-L-L-A-G-H-E-R.

25 **ATTORNEY CHLABEK:** My name is Larry  
26 Chlabek C-H-L-A-B-E-K I am the Attorney for Mr.  
27 Johnson.

1           **INMATE JOHNSON:** My name is Lamerle  
2 Johnson J-O-H-N-S-O-N CDC number J-92682.

3           **PRESIDING COMMISSIONER BIGGERS:** And for  
4 the record we have a correctional officer  
5 present for security purposes only and will not  
6 be participating in the hearing. I'm not sure  
7 if I didn't spell my last name but its B-I-G-G-  
8 E-R-S okay. In front of you there Mr. Johnson  
9 there is an ADA statement would you please read  
10 that for us.

11           **INMATE JOHNSON:** Yes Sir. The American's  
12 with Disabilities Act, ADA, is a law to help  
13 people with disabilities. Disabilities are  
14 problems that make it harder for some people to  
15 see, hear, read, talk, walk, learn, think or  
16 take care of themselves than it is for others.  
17 Nobody can be kept out of public places or  
18 activities because of a disability. If you have  
19 a disability you have the right to ask for help  
20 to get ready for your BPT Hearing, get to the  
21 hearing, talk, read forms and papers and  
22 understand the hearing process. BPT will look  
23 at what you asked for to make sure that you have  
24 a disability that is covered by the ADA and that  
25 you have asked for the right kind of help. If  
26 you do not get help or if you don't think you  
27 got the kind of help you need ask for a BPT 1074

1 Grievance Form. You can also get help to fill  
2 it out.

3 **PRESIDING COMMISSIONER BIGGERS:** Do you  
4 understand what that means?

5 **INMATE JOHNSON:** Yes Sir.

6 **PRESIDING COMMISSIONER BIGGERS:** How  
7 about telling me that in your own words.

8 **INMATE JOHNSON:** Bottom line is that I  
9 have a disability that I think I need assistance  
10 with to get through this hearing that I can ask  
11 for some assistance and it will be afforded to  
12 me.

13 **PRESIDING COMMISSIONER BIGGERS:** Okay,  
14 now you signed a BPT form 1073 on July 20<sup>th</sup> 2005  
15 indicating that you did not have a disability.  
16 Is that still correct?

17 **INMATE JOHNSON:** That is still correct.

18 **PRESIDING COMMISSIONER BIGGERS:** Okay,  
19 did you have any problems getting here today  
20 other than being escorted?

21 **INMATE JOHNSON:** No.

22 **PRESIDING COMMISSIONER BIGGERS:** You did  
23 not, you were able to walk on your own without  
24 any problem?

25 **INMATE JOHNSON:** I have no physical,  
26 mental problems that will impair me through this  
27 hearing.

1           **PRESIDING COMMISSIONER BIGGERS:**   Okay, I  
2   see you wear glasses huh?

3           **INMATE JOHNSON:**   Yeah.

4           **PRESIDING COMMISSIONER BIGGERS:**   So you  
5   don't need a magnifying glass or anything, you  
6   can read with those?

7           **INMATE JOHNSON:**   I'm fine.

8           **PRESIDING COMMISSIONER BIGGERS:**   When you  
9   went through your C File were you wearing those  
10   glasses?

11          **INMATE JOHNSON:**   Yes.

12          **PRESIDING COMMISSIONER BIGGERS:**   Okay so  
13   again, you already mentioned, you must know what  
14   I'm going to ask you then if your already saying  
15   that you don't have anything that is going to  
16   keep me from going through this hearing.

17          **INMATE JOHNSON:**   Yeah.

18          **PRESIDING COMMISSIONER BIGGERS:**   No  
19   physical, so you knew that was coming huh?

20          **INMATE JOHNSON:**   I kind of knew it was  
21   coming.

22          **PRESIDING COMMISSIONER BIGGERS:**   Kind of  
23   knew it was coming okay well I still need to ask  
24   you for the record. Do you suffer from any  
25   disability that would prevent you from  
26   participating in today's hearing?

27          **INMATE JOHNSON:**   No Sir.



1           **PRESIDING COMMISSIONER BIGGERS:**   Okay  
2   thank you.   This hearing is being conducted  
3   pursuant to Penal Code Section 3041 and 4042 and  
4   the Rules and Regulations of the Board of Prison  
5   Terms Governing Parole Consideration Hearings  
6   for Life Inmates.   The purpose of today's  
7   hearing is to consider the number and the nature  
8   of the crimes that you were committed for, your  
9   prior criminal and social history, and your  
10   behavior in programming since your commitment.  
11   We've had the opportunity to review your Central  
12   File and you will be given the opportunity to  
13   correct or clarify the record.   We will reach a  
14   decision today and inform you whether or not we  
15   find you suitable for parole and the reason for  
16   our decision.   If you are found suitable for  
17   parole the length of your confinement will be  
18   explained to you.   Now before we go any further,  
19   I want to advise you that we expect you to be  
20   totally honest with us today.   This is your  
21   Initial Hearing and if you don't get a date  
22   today then this hearing will form the foundation  
23   for all future hearings.   Any false statement  
24   you make today could have an adverse affect on  
25   your ability to get a date at a later time.   Do  
26   you understand this?

27           **INMATE JOHNSON:**   Yes Sir.

1           **PRESIDING COMMISSIONER BIGGERS:** Nothing  
2 that happens here today will change the finding  
3 of the court. We are not here to re-try your  
4 case, we are here to determine if you are  
5 suitable for parole. Do you understand this?

6           **INMATE JOHNSON:** Yes Sir.

7           **PRESIDING COMMISSIONER BIGGERS:** Today's  
8 hearing will be conducted in two phases. I will  
9 discuss with you the crime you were committed  
10 for, your prior criminal and social history.  
11 The Deputy Commissioner will talk about your  
12 parole plans, letters of support, and will  
13 discuss the progress you've made since your  
14 commitment, the counselor report as well as your  
15 psychological evaluations. Once that is  
16 concluded the Commissioner and the District  
17 Attorney and your Attorney will ask you  
18 questions. The questions from the District  
19 Attorney will be asked through the panel and  
20 your answer should be directed to the panel.  
21 Before we recess for deliberations the District  
22 Attorney, your Attorney, and you will all be  
23 given the opportunity to make a final statement  
24 regarding your suitability. Followed by  
25 statements from the victim's family which we  
26 don't have. We will then recess to deliberate  
27 after which we will resume the hearing and

1 announce our decision. The California Code of  
2 Regulations states that regardless of time  
3 served a life inmate shall be found unsuitable  
4 for and denied parole if in the judgment of the  
5 panel the inmate would pose an unreasonable risk  
6 of danger to society if released from prison.  
7 You have certain rights, those rights include  
8 the right to a timely notice of the hearing and  
9 the right to review your Central File which you  
10 told me that you've already done is that  
11 correct?

12 **INMATE JOHNSON:** Correct.

13 **PRESIDING COMMISSIONER BIGGERS:** And the  
14 right to present relevant documents. Do you  
15 have any documents that you want to present  
16 today, any additional documents?

17 **INMATE JOHNSON:** Educational documents, I  
18 filled out some paperwork in regards to getting  
19 a Federal Grant if I am released in order to get  
20 the financial documents --

21 **PRESIDING COMMISSIONER BIGGERS:** Do you  
22 have those documents that you give to your  
23 attorney to give to me please. Okay with that  
24 in mind Mr. Chlabek do you feel that your  
25 client's rights have been met?

26 **ATTORNEY CHLABEK:** Thus far I believe  
27 they have been yes.

1           **PRESIDING COMMISSIONER BIGGERS:** Okay  
2 thank you. You have an additional right to be  
3 heard by an impartial panel. Do you have any  
4 objection to the panel members?

5           **INMATE JOHNSON:** No.

6           **PRESIDING COMMISSIONER BIGGERS:** Defense  
7 Attorney do you have any objections to the  
8 panel?

9           **ATTORNEY CHLABEK:** No.

10          **PRESIDING COMMISSIONER BIGGERS:** You will  
11 receive a written copy of our tentative decision  
12 today. The decision will become effective,  
13 becomes effective within a 120 days. A copy of  
14 the decision and a copy of the transcript will  
15 be sent to you and you will have 90 days from  
16 the date to appeal it if you so desire. Now the  
17 board has eliminated it's appeal process. If  
18 you disagree with anything in today's hearing  
19 you have a right to go directly to the court  
20 with your complaint. Do you understand that?

21          **INMATE JOHNSON:** Yes Sir.

22          **PRESIDING COMMISSIONER BIGGERS:** Okay you  
23 are not required to admit your offense or  
24 discuss your offense however the panel does  
25 accept the findings of the court to be true. Do  
26 you understand that?

27          **INMATE JOHNSON:** Yes.

1           **PRESIDING COMMISSIONER BIGGERS:** Okay, I  
2 am going to pass over to your attorney and also  
3 to the District Attorney exhibit one which will  
4 outline the documents that we are going to be  
5 using today to make sure that they have -- that  
6 we are all on the same sheet of music.

7           **DEPUTY DISTRICT ATTORNEY GELLAGHER:** I  
8 have all of those documents.

9           **ATTORNEY CHLABEK:** Yes I have them as  
10 well.

11           **PRESIDING COMMISSIONER BIGGERS:** Okay  
12 thank you. Please mark that as exhibit one.  
13 Deputy Commissioner, do we have any confidential  
14 information and will it be used?

15           **DEPUTY COMMISSIONER BLONIEN:** We have  
16 none.

17           **PRESIDING COMMISSIONER BIGGERS:** Okay,  
18 again and I mentioned this earlier do we have  
19 any additional documents?

20           **ATTORNEY CHLABEK:** I believe there aren't  
21 any.

22           **PRESIDING COMMISSIONER BIGGERS:** Okay  
23 will your client be talking to us today counsel?

24           **ATTORNEY CHLABEK:** Yes he will be talking  
25 about on all topics including the crime.

26           **PRESIDING COMMISSIONER BIGGERS:** Okay,  
27 all right. If that's the case Mr. Johnson I

1 need you to raise your right hand as best as you  
2 can. Do you solemnly swear or affirm that the  
3 testimony you give at this hearing will be the  
4 truth and nothing but the truth?

5 **INMATE JOHNSON:** Yes I swear to God.

6 **PRESIDING COMMISSIONER BIGGERS:** Okay  
7 thank you. I will use the statement from the  
8 correctional officers report which was received  
9 from the, I am getting it from the correctional  
10 officers report, from the correctional  
11 counselors report --

12 **ATTORNEY CHLABEK:** Excuse me, at this  
13 time could I make an objection?

14 **PRESIDING COMMISSIONER BIGGERS:** What is  
15 the objection?

16 **ATTORNEY CHLABEK:** Yes I would like to  
17 object to the District Attorney opposing my  
18 clients suitability for parole based upon the  
19 fact that my client had an agreement for a term  
20 of years from the District Attorney's Office  
21 regarding on this case and it is my client's  
22 belief that the District Attorney's Office  
23 reneged on that deal and my client intends to  
24 follow up with this objection with the rite to  
25 try to make good his claim on that.

26 **PRESIDING COMMISSIONER BIGGERS:** Okay  
27 well, I'll take it under advisement but you see

1 bottom line is the DA doesn't have the authority  
2 to us this is an administrative hearing on our  
3 side to determine if you are suitable for  
4 parole. If you are questioning the amount of  
5 time that you are serving on what they are going  
6 to present to us to determine whether or not you  
7 are unsuitable then that is something that you  
8 have to take up with the District Attorney.

9 **INMATE JOHNSON:** Yes Sir.

10 **PRESIDING COMMISSIONER BIGGERS:** Do you  
11 have a comment?

12 **INMATE JOHNSON:** Yes I do. I understand  
13 that it's your job to decide whether or not I'm  
14 suitable. My only problem with the DA's office  
15 and I don't know this particular DA here is that  
16 they might not be impartial on bias based on  
17 things that occurred during the course of that  
18 plea agreement and so there is things, there is  
19 things that I provided my counsel which cause me  
20 to question whether or not they can give a  
21 impartial recommendation.

22 **PRESIDING COMMISSIONER BIGGERS:** Well I  
23 will take that under advisement but as I said  
24 before we are here to determine if you are  
25 suitable and if I see, if I notice any type of  
26 impartiality then I will over rule the District  
27 Attorney.

1           **INMATE JOHNSON:** Thank you Sir.

2           **PRESIDING COMMISSIONER BIGGERS:** Okay as  
3 I said before we are going to go over your  
4 offense, your summary of your offense from the  
5 correctional counselors report. We took his  
6 from the probation officers report. July 3<sup>rd</sup>,  
7 1993 Ellis Fouts was kidnapped by defendant  
8 Johnson. Arte Moore and again let me spell that  
9 Fouts F-O-O-T-S was kidnapped by defendant  
10 Johnson J-O-H-N-S-O-N, Arte Mooreland M-O-O-R-E-  
11 L-A-N-D, Marlon Bonds B-O-N-D-S and Taran  
12 Washington W-A-S-H-I-N-G-T-O-N. A witness  
13 identified Johnson as the person in possession  
14 of the firearm. On July 7<sup>th</sup>, 1993 the Daly City  
15 Police Department received a call from the San  
16 Leandro Police Department, pardon.

17           **INMATE JOHNSON:** San Leandro.

18           **PRESIDING COMMISSIONER BIGGERS:** San  
19 Leandro, received a call from the victim's  
20 sister. She stated that people unknown to her  
21 were planning on removing items from the  
22 victim's safety deposit box. The police later  
23 learned that a man unidentified had received a  
24 call from unknown people claiming that they had  
25 the victim and requested thirty five thousand  
26 dollars. Police later learned the victim called  
27 confirming he was being held for thirty five



1 thousand dollar ransom and asked do what ever  
2 they want. By July 8<sup>th</sup>, 1993 the victim's  
3 mother had raised approximately twenty five  
4 thousand and the police detectives made the  
5 money drop as directed. During this time one of  
6 the defendants had used the victim's credit card  
7 on a shopping spree in Los Angeles. Defendant  
8 Mooreland was taken into custody and among  
9 questioning admitted to his involvement in the  
10 kidnapping. He provided information to police  
11 that led to the arrest of the other kidnappers  
12 and the rescue of the victim. Police arrested  
13 (indiscernible) contradictory information by all  
14 of the defendants. It appeared that the initial  
15 event may have been a combination robbery and a  
16 revenge scheme and then became a kidnap for  
17 ransom. It does appear that Johnson certainly  
18 had a lead role in the case. And again that was  
19 a source document from the San Mateo County  
20 Probation Officer's Report dated 01/1996 pages  
21 four through seven. Tell me what happened.

22 **INMATE JOHNSON:** I had a problem with Mr.  
23 Foots. Initially it was supposed to be a  
24 confrontation of sorts where like we were going  
25 to confront him and it turned into a kidnap  
26 ransom and I was guilty.

27 **PRESIDING COMMISSIONER BIGGERS:** Okay

1 what kind of problem did you have with Mr.

2 Foots?

3 **INMATE JOHNSON:** Mr. Foots and Mr. Foots  
4 associates had been involved in like the  
5 shooting of my brother, I have a twin brother  
6 named Lamont Johnson and he was involved in a  
7 shooting plus we had an ongoing sort of feud  
8 over a woman named Leshawn Brown and a few days  
9 prior to this kidnapping, the kidnapping  
10 actually occurred on July the 6<sup>th</sup>. A few days  
11 prior to this Mr. Foots and some associates,  
12 some of his associates saw me in Oakland and  
13 they pulled weapons on me and they were  
14 threatening me and stuff like that so I got in  
15 touch with Leshawn Brown and found out where  
16 Ellis was. Initially I went over there by  
17 myself and then I called in Mooreland and while  
18 we were sitting there the plan kind of  
19 escalated. So okay it went from we were going  
20 to first confront him, beat him up and then it  
21 was going to turn into like a kidnap, beat him  
22 up robbery and then it turned into a kidnap  
23 ransom.

24 **PRESIDING COMMISSIONER BIGGERS:** Okay,  
25 who was the guy, who was actually the shot  
26 caller in all of this?

27 **INMATE JOHNSON:** I was the person who

1 called everybody, I started this, I initiated  
2 this.

3 **PRESIDING COMMISSIONER BIGGERS:** You  
4 initiated the whole process?

5 **INMATE JOHNSON:** I initiated the process.

6 **PRESIDING COMMISSIONER BIGGERS:** You said  
7 that you had a problem with Mr. Foots. Why  
8 didn't you just go and confront him by yourself?

9 **INMATE JOHNSON:** Mr. Foots was a drug  
10 dealer. He used to -- he was one of those guys  
11 who would roll with his friends and stuff like  
12 that so he usually ran with a pack so at that  
13 time I thought that I knew I needed somebody  
14 with me.

15 **PRESIDING COMMISSIONER BIGGERS:** Okay  
16 well it seems he was a drug dealer, did you ever  
17 buy drugs from him?

18 **INMATE JOHNSON:** No.

19 **PRESIDING COMMISSIONER BIGGERS:** Okay how  
20 did you determine he was a drug dealer?

21 **INMATE JOHNSON:** I knew he was a drug  
22 dealer from living in the neighborhood, being  
23 around the neighborhood just people that my  
24 brother was involved with.

25 **PRESIDING COMMISSIONER BIGGERS:** You said  
26 that he shot your brother.

27 **INMATE JOHNSON:** His associate shot my

1 brother, his people of his what you would call a  
2 click.

3 **PRESIDING COMMISSIONER BIGGERS:** Well if  
4 that was the case why would you go out for Mr.  
5 Foots if you were sure that he was not the one  
6 that pulled the trigger on your brother?

7 **INMATE JOHNSON:** It wasn't just, I guess  
8 it wasn't, I won't say it was gang banging or  
9 anything like that but it was like his  
10 associates had shot my brother in February of  
11 1993 by brother testified in a Contra Costa  
12 Court House in Richmond against Mr. Foots  
13 associates. While we were at the court house  
14 there was some threats passed. I was with my  
15 brother sitting over there by the DA's Office  
16 and they were "were going to get you sucker" you  
17 know and a bunch of different names were called  
18 and stuff like that and so when they saw me then  
19 this was later on back in July. I mean I had  
20 heard rumors and stuff like that they were  
21 saying well we see you and something is going to  
22 happen to you, something is going to happen to  
23 your brother, your brother's a snitch and all  
24 this other stuff and when they saw me over there  
25 at the -- over in Oakland they confronted me.

26 **PRESIDING COMMISSIONER BIGGERS:** So it  
27 was never proven that they were responsible for

1 your brothers debt, you are just assuming based  
2 on the --

3 **INMATE JOHNSON:** His associates were  
4 convicted of -- they actually (indiscernible).

5 **PRESIDING COMMISSIONER BIGGERS:** All  
6 right then. But again just because Mr. Foots  
7 was associated with them do you think that he  
8 had anything to do with the killing of your  
9 brother?

10 **INMATE JOHNSON:** Honestly yeah I do, he  
11 had something to do with it.

12 **PRESIDING COMMISSIONER BIGGERS:** Okay you  
13 indicated here in your version, let me find out  
14 where I put this again, let's talk about while  
15 I'm looking for this, let's talk about how the  
16 actual kidnapping took place. What is your  
17 version of that?

18 **INMATE JOHNSON:** What happened was I  
19 called James Mooreland and he came over and  
20 after that we decided we needed some more help  
21 and then I picked up the phone and called Taran  
22 and then I called a guy named Mike. We drove up  
23 on him, when he came up, jumped out, screamed  
24 police and waved guns. Got control of him, he  
25 was put in the car with Mooreland, James and  
26 they drove off. The plan was for him to drive  
27 around the corner to this park that is around

1 the corner from where the kidnapping took place  
2 but that went awry and he ended up getting on  
3 the freeway. That's when, when he was on the  
4 freeway and was driving he called Marlon Bonds  
5 and they decided to take Mr. Fouts to Bonds'  
6 house. I ended up getting arrested that night  
7 right there at the scene, near the scene and I  
8 ended up going to County Jail so initially I  
9 didn't know what had happened, I didn't know if  
10 they took him around the corner, beat him up,  
11 took something from him or what and it wasn't  
12 until I got out of custody, when I was released  
13 from custody on OR that I find out that he was  
14 in Mr. Fouts was taken to Oakland California.  
15 When we got to Oakland, I went to Oakland  
16 afterwards and it was at the house that I found  
17 out that a ransom had been discussed because Mr.  
18 Fouts was going to be killed because he had seen  
19 Mr. Bonds' house.

20 **PRESIDING COMMISSIONER BIGGERS:** So when  
21 you were planning all of this, you said earlier  
22 to me that it turned out to be kidnap for  
23 ransom, what you just said there, was not  
24 indicating is was prior so what I heard from you  
25 earlier was that it was prior.

26 **INMATE JOHNSON:** Initially the kidnap  
27 ransom was not part of the plot but what I was

1 saying earlier was that more came to it, it  
2 turned into that. Like initially it wasn't a  
3 kidnap period, it wasn't a robbery. Initially  
4 it was just a confrontation but once I got other  
5 people involved in it there was discussion and  
6 stuff like that, people wanted benefits from it  
7 and me not being right there state of mind it  
8 was like okay just help me do this.

9 **PRESIDING COMMISSIONER BIGGERS:** Okay  
10 well but again if it was discussed prior to the  
11 actual incident taking place.

12 **INMATE JOHNSON:** The ransom was not  
13 discussed prior to the actual incident taking  
14 place. Kidnap robbery was discussed prior.

15 **PRESIDING COMMISSIONER BIGGERS:** Kidnap  
16 robbery okay.

17 **INMATE JOHNSON:** Yes.

18 **PRESIDING COMMISSIONER BIGGERS:** You  
19 know, you think that your victim carried a large  
20 sum of money around with him?

21 **INMATE JOHNSON:** Initially when it was  
22 just like a kidnap robbery it wasn't about like  
23 a large sum of money, it was like okay we going  
24 to take this dude around the corner to the park,  
25 he might have some money on him, he might have  
26 some drugs on him, those things were discussed  
27 when we were sitting in the vehicle planning the

1 thing. It was basically okay I am going to  
2 intimidate you, I am going to get across to you  
3 that I'm not a punk, I'm not someone that you  
4 mess with and the nature of doing your friends  
5 mess with people. That is what it was initially  
6 about.

7 **PRESIDING COMMISSIONER BIGGERS:** But you  
8 said a few minutes ago that the people that you  
9 got involved wanted to be compensated for it.

10 **INMATE JOHNSON:** They wanted during the  
11 course of the discussion was like man what can  
12 we get something I mean what's up, can something  
13 be gotten out of this so it was like he's a drug  
14 dealer we can get something but it wasn't saying  
15 well there was no idea that he would have  
16 something on him or anything like that. They  
17 were going to do it regardless of what he had on  
18 him but if he had something on him that  
19 something was going to be taken from him.

20 **PRESIDING COMMISSIONER BIGGERS:** Yeah but  
21 you did in fact communicate that, that you  
22 should be able to get something out it right, is  
23 that what your telling me?

24 **INMATE JOHNSON:** At some point in our  
25 conversation yes.

26 **PRESIDING COMMISSIONER BIGGERS:** And  
27 again you were the shot caller, you were the one



1 that actually ?

2 **INMATE JOHNSON:** I was the one who  
3 initiated this.

4 **PRESIDING COMMISSIONER BIGGERS:** The  
5 process?

6 **INMATE JOHNSON:** Yes.

7 **PRESIDING COMMISSIONER BIGGERS:** And you  
8 were present when the -- during the discussions  
9 were made about get --

10 **INMATE JOHNSON:** Robbing him.

11 **PRESIDING COMMISSIONER BIGGERS:** Robbing  
12 I guess and getting something from it.

13 **INMATE JOHNSON:** Yes.

14 **PRESIDING COMMISSIONER BIGGERS:** All  
15 right. Just wanted to make sure of that. Were  
16 you not involved in the trip to LA?

17 **INMATE JOHNSON:** No.

18 **PRESIDING COMMISSIONER BIGGERS:** You were  
19 not. Were you aware that they had taken some  
20 credit cards?

21 **INMATE JOHNSON:** Yes.

22 **PRESIDING COMMISSIONER BIGGERS:** And  
23 going to LA?

24 **INMATE JOHNSON:** Yes.

25 **PRESIDING COMMISSIONER BIGGERS:** Did you  
26 do make any attempt to stop it?

27 **INMATE JOHNSON:** No.

1           **PRESIDING COMMISSIONER BIGGERS:** Why not?

2           **INMATE JOHNSON:** I at that point in my  
3 life I didn't care that Ellis Fouts was taking  
4 advantage of. The one thing I did stop was,  
5 there was a plan to kill Mr. Fouts if a ransom  
6 wasn't gotten once Mr. Bonds was involved whom I  
7 did not call and involve and I argued vigorously  
8 that he shouldn't be killed but as far his stuff  
9 being taken, credit cards being used or  
10 something like that, at that point I didn't  
11 care.

12           **PRESIDING COMMISSIONER BIGGERS:** How did  
13 you know your co-defendants?

14           **INMATE JOHNSON:** I knew Mr. Mooreland, I  
15 had known Mr. Mooreland for years. I met him  
16 through a young lady by the name of Charney. I  
17 knew Mr. Washington through my little brother,  
18 he went to school with my little brother and my  
19 twin brother and one of my other brothers. I  
20 really didn't know Mr. Bonds, Mr. Bonds was Mr.  
21 Mooreland's friend.

22           **PRESIDING COMMISSIONER BIGGERS:** Had you  
23 all ever talked about doing anything like this  
24 before?

25           **INMATE JOHNSON:** No.

26           **PRESIDING COMMISSIONER BIGGERS:** Not even  
27 going and taking care of -- what possessed you

1 to call them if you had not even though about  
2 doing something like this before?

3 **INMATE JOHNSON:** I knew Mr. Mooreland was  
4 involved -- the first person I called was Mr.  
5 Mooreland, I knew Mr. Mooreland was involved in  
6 a lot of different activities and so like with  
7 what I originally had in mind I knew that Mr.  
8 Mooreland would assist me in something like  
9 that.

10 **PRESIDING COMMISSIONER BIGGERS:** But you  
11 didn't have any inclination that they would go  
12 to the extreme per say?

13 **INMATE JOHNSON:** No I didn't think it  
14 would go as far as it did.

15 **PRESIDING COMMISSIONER BIGGERS:** Okay and  
16 you guys pretended to be -- pretended to be  
17 police officers that was quite of a plan.

18 **INMATE JOHNSON:** We did, we did.

19 **PRESIDING COMMISSIONER BIGGERS:** Where  
20 did you get the uniforms?

21 **INMATE JOHNSON:** We didn't have uniforms.

22 **PRESIDING COMMISSIONER BIGGERS:** Okay so  
23 you were plain clothes guys.

24 **INMATE JOHNSON:** Yeah, we just jumped out  
25 and just screamed police.

26 **PRESIDING COMMISSIONER BIGGERS:** Police  
27 okay, you all had weapons?

1           **INMATE JOHNSON:** I had a weapon.

2           **PRESIDING COMMISSIONER BIGGERS:** You had  
3 a weapon, where did you get the weapon?

4           **INMATE JOHNSON:** I don't even remember, I  
5 had a few guns back then.

6           **PRESIDING COMMISSIONER BIGGERS:** A few  
7 guns back then, do you normally walk around with  
8 your pistols?

9           **INMATE JOHNSON:** At that time I was  
10 walking around with pistols yes.

11          **PRESIDING COMMISSIONER BIGGERS:** Okay  
12 let's move into some of your personal history  
13 here and talk a little bit about that. Well let  
14 me back up for a minute before I go into that,  
15 you know I read this and I wanted to make sure I  
16 indicate this in the record. Your two crime  
17 partners grabbed the victim and threw him in the  
18 car and took off and then you were going -- they  
19 were just going to take him to the park. He  
20 went to the house where the victim was being  
21 held. The owner of the house had said that he  
22 (indiscernible) killing and then they decided on  
23 a ransom then that's when all of you decided on  
24 the ransom is that right?

25          **INMATE JOHNSON:** That's correct.

26          **PRESIDING COMMISSIONER BIGGERS:** Okay  
27 well I thought earlier you told me that it was

1 just a robbery, you were not even talking about  
2 ransom.

3 **INMATE JOHNSON:** I was in custody for  
4 like three hours. When I got out of custody Mr.  
5 Bonds -- Mr. Foots was already at Mr. Bonds'  
6 house.

7 **PRESIDING COMMISSIONER BIGGERS:** What I'm  
8 saying -- what I'm reading in the file here that  
9 you went over to the house where the victim was  
10 being held and the owner said either I get paid  
11 or I kill him. You then reported that they --  
12 all of you collectively decided all of the  
13 ransoms and the victim would not get hurt. Is  
14 that right?

15 **INMATE JOHNSON:** That's true.

16 **PRESIDING COMMISSIONER BIGGERS:** And you  
17 made sure that the victim was well taken care  
18 of. How did you say when the victim was well  
19 taken care of, what did you do?

20 **INMATE JOHNSON:** I mean he was fed, I  
21 mean obviously he wasn't comfortable but you  
22 know he wasn't mistreated and just a really a  
23 really foul sense or anything. He was fed,  
24 using the bathroom and stuff like that.

25 **PRESIDING COMMISSIONER BIGGERS:** Why  
26 didn't you consider calling the police when the  
27 guy indicated that if he didn't get paid he

1 would kill the victim?

2 **INMATE JOHNSON:** Mr. Bonds was an ex  
3 Oakland Police Officer, we were in Oakland so I  
4 wasn't really sure at that stage who all was  
5 involved.

6 **PRESIDING COMMISSIONER BIGGERS:** But I  
7 thought earlier we talked about you being the  
8 shot caller so.

9 **INMATE JOHNSON:** Well I initiated the  
10 process, I mean when you use that I think you  
11 are over stating the word shot caller.

12 **PRESIDING COMMISSIONER BIGGERS:** Okay  
13 they man that was behind the --

14 **INMATE JOHNSON:** I was behind the -- this  
15 whole thing would have never happened had I not  
16 picked up a phone and made a phone call so in  
17 that I accept full responsibility. At some  
18 point though it got out of control and I wasn't  
19 per say the guy who was calling all the shots.  
20 I couldn't go in and say okay now I am the guy  
21 see in your home just let him go. That wasn't  
22 an option. So it became somewhat of a  
23 negotiated negotiation type thing to end it.

24 **PRESIDING COMMISSIONER BIGGERS:** Okay,  
25 all right. Let's go into your family personal  
26 history right now okay. Your parents were never  
27 married, your mother became pregnant at the age

1 of 16 when she was living in foster care?

2 **INMATE JOHNSON:** Yes.

3 **PRESIDING COMMISSIONER BIGGERS:** Okay  
4 after you were born you stayed with your  
5 grandmother until she was able to move out on  
6 her own. Your mother stayed with your  
7 grandmother until she was able to move out on  
8 her own is that right?

9 **INMATE JOHNSON:** That's correct.

10 **PRESIDING COMMISSIONER BIGGERS:** You  
11 lived with your mother until the age three and  
12 then he moved her to his grandparent's home. So  
13 you left your mother's home at age three and  
14 went to move in your grandmother?

15 **INMATE JOHNSON:** From what I'm told, I  
16 was going back and forth.

17 **PRESIDING COMMISSIONER BIGGERS:** Okay,  
18 you were living there for about a year and then  
19 he lived with his mother until age 16. From the  
20 age 16 he moved out -- until he moved out at the  
21 age of 18 he lived with his grandparents and  
22 father. You moved out on your own at age 16 and  
23 lived on Morris Brown University, you lived on a  
24 campus. Going to school for a year?

25 **INMATE JOHNSON:** Yes.

26 **PRESIDING COMMISSIONER BIGGERS:** Okay so  
27 that means that you finished high school?

1           **INMATE JOHNSON:**   Yes.

2           **PRESIDING COMMISSIONER BIGGERS:**   Okay.

3   And you said that while you were in Junior High  
4   School your mother started using crack cocaine.

5           **INMATE JOHNSON:**   Yes.

6           **PRESIDING COMMISSIONER BIGGERS:**   And  
7   that's how and she started bringing home shady  
8   characters into the home and that you were  
9   physically abused when you were growing up,  
10   that's what it says.

11          **INMATE JOHNSON:**   Yes.

12          **PRESIDING COMMISSIONER BIGGERS:**   Okay and  
13   you also got teased by other kids because you  
14   said your mother was a druggie.

15          **INMATE JOHNSON:**   Yes.

16          **PRESIDING COMMISSIONER BIGGERS:**   Okay,  
17   you had a twin brother and two step sisters and  
18   two step brothers. Your brother that was shot,  
19   did it kill him?

20          **INMATE JOHNSON:**   No.

21          **PRESIDING COMMISSIONER BIGGERS:**   Okay so  
22   he survived that.

23          **INMATE JOHNSON:**   He survived.

24          **PRESIDING COMMISSIONER BIGGERS:**   Okay and  
25   it says here that you have no contact with your  
26   father, you currently have contact with you  
27   mother's grandmother and a step sister. What



1 about your two step brothers and your twin  
2 brother?

3 **INMATE JOHNSON:** I mean I hear from them  
4 through like my grandparents and stuff like  
5 that. I mean I hear from my father through my  
6 grandparents and stuff like that but there is  
7 not a lot of direct contact like writing every  
8 month or anything like that.

9 **PRESIDING COMMISSIONER BIGGERS:** What  
10 about your brother that got shot, the one that  
11 you took upon yourself to retaliate against  
12 those individuals you thought had shot him?

13 **INMATE JOHNSON:** This kidnapping wasn't  
14 in retaliation for my brother's shooting.

15 **PRESIDING COMMISSIONER BIGGERS:** But the  
16 overall initial plot was to go over there and  
17 you know, you took up for your brother that was  
18 shot.

19 **INMATE JOHNSON:** No, I think you  
20 misunderstand.

21 **PRESIDING COMMISSIONER BIGGERS:** Well  
22 clarify it for me.

23 **INMATE JOHNSON:** Okay so I didn't take up  
24 this retaliation to confront by first directing,  
25 I am just giving you the background history in  
26 regards to what was going on.

27 **PRESIDING COMMISSIONER BIGGERS:** Well I

1 thought earlier when we first got started you  
2 indicated that you were -- you called these  
3 people because you wanted to scare Mr. Foots?

4 **INMATE JOHNSON:** I did.

5 **PRESIDING COMMISSIONER BIGGERS:**

6 Primarily because he had -- did I miss  
7 something, I thought --

8 **DEPUTY COMMISSIONER BLONIEN:** I am  
9 confused to.

10 **PRESIDING COMMISSIONER BIGGERS:** I'm  
11 confused.

12 **INMATE JOHNSON:** I'm not.

13 **PRESIDING COMMISSIONER BIGGERS:** Why did  
14 you start -- well I hope not, but why did you  
15 target Mr. Foots?

16 **INMATE JOHNSON:** I targeted Mr. Foots  
17 because Mr. Foots had confronted me in July and  
18 pulled guns on me and I was explaining to you  
19 Mr. Foots was involved in the shooting of my  
20 brother etcetera, I was giving you the  
21 background in regards to the history between  
22 Foots and myself.

23 **PRESIDING COMMISSIONER BIGGERS:** Okay.

24 **INMATE JOHNSON:** But I didn't wake up one  
25 day on July 6<sup>th</sup> and said I am going to get Mr.  
26 Foots based on his shooting my brother. I  
27 didn't wake up on July 6<sup>th</sup>, 1993 and say that I

1 am going to go kidnap Mr. Fouts or anyway  
2 assault him based on an assault that was made on  
3 my brother in October of 1992. That is not why  
4 it happened.

5 **PRESIDING COMMISSIONER BIGGERS:** Okay.

6 **INMATE JOHNSON:** That was just the  
7 history.

8 **PRESIDING COMMISSIONER BIGGERS:** I  
9 understand, I stand corrected. Now my question  
10 to you is if that is the case why did you not  
11 call the police when Mr. Fouts threatened you?

12 **INMATE JOHNSON:** It was just a bad  
13 decision, I should have picked up the phone, it  
14 was a bad decision.

15 **PRESIDING COMMISSIONER BIGGERS:** Okay,  
16 all right and when your brother, when this --  
17 after this took place did you get a chance to  
18 talk to your brother, the one that had been  
19 shot?

20 **INMATE JOHNSON:** After this kidnapping  
21 took place?

22 **PRESIDING COMMISSIONER BIGGERS:** Yeah.

23 **INMATE JOHNSON:** Yeah I talked to him.

24 **PRESIDING COMMISSIONER BIGGERS:** Okay,  
25 what did he think about all of that?

26 **INMATE JOHNSON:** He was mad that his name  
27 came up. He was thinking that he was being told

1 on or put into an uncomfortable situation. In  
2 fact he even tried to make deals with San Mateo  
3 County on other things in regards to this case  
4 so he had a problem with it.

5 **PRESIDING COMMISSIONER BIGGERS:** Okay,  
6 now your father Mr. Johnson age 42 resides in  
7 Pacifica. Is he still there or do you know?

8 **INMATE JOHNSON:** No he's in Vallejo.

9 **PRESIDING COMMISSIONER BIGGERS:** Vallejo,  
10 and I see here that you had some Mental Health  
11 treatments at age 15 and that was probably to  
12 deal with your abuse at the hands of your  
13 mother.

14 **INMATE JOHNSON:** Yeah, I talked with the  
15 psychologist.

16 **PRESIDING COMMISSIONER BIGGERS:** Okay and  
17 you said now since you've been in there, your  
18 mental health has been up and down and you point  
19 that you are under a lot of stress and wonder if  
20 your going to get killed in prison.

21 **INMATE JOHNSON:** I have wondered that  
22 yes.

23 **PRESIDING COMMISSIONER BIGGERS:** Okay I  
24 want to look at your priors here. Your juvenile  
25 record you have a -- you were involved in an  
26 auto theft.

27 **INMATE JOHNSON:** Yes.

1           **PRESIDING COMMISSIONER BIGGERS:** Date was  
2 unknown, there was a judicated locally with  
3 incarcerated in Juvenile Hall, how long were you  
4 in Juvenile Hall?

5           **INMATE JOHNSON:** For three months.

6           **PRESIDING COMMISSIONER BIGGERS:** Three  
7 months, and they released you?

8           **INMATE JOHNSON:** Yes.

9           **PRESIDING COMMISSIONER BIGGERS:** And then  
10 on 12/07/90 you had an arrest and conviction by  
11 the Oakland Police for violation of PC 4961, for  
12 receiving stolen property, grand theft of an  
13 asset car. You received a two year misdemeanor  
14 probation.

15           **INMATE JOHNSON:** Yes.

16           **PRESIDING COMMISSIONER BIGGERS:** All  
17 right I am going to turn everything over now to  
18 the Deputy Commissioner and she will talk about  
19 your post conviction factors.

20           **DEPUTY COMMISSIONER BLONIEN:** Since this  
21 is your Initial Hearing it's my job to go over  
22 what you have been doing while you have been  
23 incarcerated and talk to you about your parole  
24 plans. So you've had one other meeting with the  
25 Deputy Commissioner and that was June of 2003  
26 and it's called the Documentation Hearing and  
27 the Deputy Commissioner recommended that you

1 upgrade vocationally, work on your AA if  
2 possible, participate in self help if available  
3 and remain disciplinary free. Your current  
4 custody level is close B and your classification  
5 score is 28 and I think that' because you had an  
6 escape in your history from the Juvenile Hall?

7 **INMATE JOHNSON:** Boys Ranch.

8 **DEPUTY COMMISSIONER BLONIEN:** Three  
9 months you were there, you walked away?

10 **INMATE JOHNSON:** Yeah.

11 **DEPUTY COMMISSIONER BLONIEN:** So in order  
12 to do this I read your correctional counselors  
13 report by Counselor Heise H-E-I-S-E dated  
14 January 5<sup>th</sup>, 2006, I read the psychiatric report  
15 by Doctor Frank Weber dated 9/23/05 and I've  
16 read your C File. So you have only had one 115  
17 and that was June 7<sup>th</sup>, 2001 involving mutual  
18 combat. What was that about, what happened?

19 **INMATE JOHNSON:** I was in the chow hall  
20 and we were having pizza that day and I was  
21 talking and somehow, I don't know if I was  
22 talking with my hands or something like that and  
23 I had some sauce in my hand and went down on  
24 persons and another inmate's shirt and he took  
25 offense to that and I apologized several times  
26 and he stood up and hit me and then I stood up  
27 and I grabbed him and I tried to help hold him

1 and then he reached to swing at me again and I  
2 hit him.

3 **DEPUTY COMMISSIONER BLONIEN:** You also  
4 have four 128's, the last one January 20<sup>th</sup>, 2002  
5 for disrespect. So you are extremely eloquent  
6 in how 12.9 TAPES Score which knows you function  
7 on a college level. You have a paralegal  
8 certificate?

9 **INMATE JOHNSON:** Certification.

10 **DEPUTY COMMISSIONER BLONIEN:**  
11 Certification, you have a chrono in here for  
12 Alternatives College but I don't see any  
13 completions or anything like that.

14 **INMATE JOHNSON:** The only thing they  
15 offered was we got to read, they would check out  
16 books and stuff like that. I wasn't like an  
17 ongoing correspondence or like that, you had  
18 access to different materials that had been  
19 donated to the institution. And I wanted to  
20 back track, you said that when I went to my doc  
21 hearing in 2003 they said continue with AA, it  
22 wasn't AA it was CGA.

23 **DEPUTY COMMISSIONER BLONIEN:** I thought  
24 it was get your AA, your degree.

25 **INMATE JOHNSON:** Oh my Associates Degree?

26 **DEPUTY COMMISSIONER BLONIEN:** Yeah.

27 **INMATE JOHNSON:** No I haven't had access

1 to get my Associates -- oh okay.

2 **DEPUTY COMMISSIONER BLONIEN:** Because you  
3 already had your paralegal certificate.

4 **INMATE JOHNSON:** Yeah.

5 **DEPUTY COMMISSIONER BLONIEN:** Your high  
6 school diploma, he obviously saw that you were  
7 bright and articulate and felt you should  
8 continue your education. So he wrote that down,  
9 it's in your C File.

10 **INMATE JOHNSON:** Oh okay, I never seen  
11 that (indiscernible).

12 **DEPUTY COMMISSIONER BLONIEN:** It's under  
13 Board Decisions.

14 **INMATE JOHNSON:** Okay.

15 **DEPUTY COMMISSIONER BLONIEN:**  
16 Vocationally, I don't see where you -- I've seen  
17 where your in and out of vocations but I don't  
18 see any certification. I saw your office  
19 services, you were in electronics, you were in  
20 computers but because you moved around a little  
21 bit and you don't have any vocational  
22 certificates.

23 **INMATE JOHNSON:** That's not true, I have  
24 -- I completed office services.

25 **DEPUTY COMMISSIONER BLONIEN:** You did?

26 **INMATE JOHNSON:** I completed it in July,  
27 it should be somewhere in the C File.



1           **DEPUTY COMMISSIONER BLONIEN:** Well, last  
2 year?

3           **INMATE JOHNSON:** Yes Ma'am.

4           **DEPUTY COMMISSIONER BLONIEN:** Well I am  
5 going to go over all these chronos, I don't see  
6 one and I didn't see a certificate but that  
7 doesn't mean that it's not in here.

8           **INMATE JOHNSON:** Okay.

9           **DEPUTY COMMISSIONER BLONIEN:** In terms of  
10 therapy, you do participate in CGS which is?

11          **INMATE JOHNSON:** They recently cancelled  
12 CGA.

13          **DEPUTY COMMISSIONER BLONIEN:** But?

14          **INMATE JOHNSON:** But I have participated  
15 in it, yes Ma'am.

16          **DEPUTY COMMISSIONER BLONIEN:** And for how  
17 long did you participate?

18          **INMATE JOHNSON:** Off and on since 200 --  
19 I think it was 2002.

20          **DEPUTY COMMISSIONER BLONIEN:** And it's a  
21 step program, a twelve step program.

22          **INMATE JOHNSON:** It's a twelve step  
23 program.

24          **DEPUTY COMMISSIONER BLONIEN:** And do you  
25 work through the steps?

26          **INMATE JOHNSON:** I worked through the  
27 steps, after awhile -- the first step is saying

1 that you, that your addicted to crime. I found  
2 that kind of difficult, I was just an idiot in  
3 crime but the rest of it, it was like basically  
4 spiritually based. Teaching us to get in touch  
5 with a higher power and you know just accept  
6 your responsibility.

7 **DEPUTY COMMISSIONER BLONIEN:** Are you  
8 spiritually based?

9 **INMATE JOHNSON:** Yes.

10 **DEPUTY COMMISSIONER BLONIEN:** Do you  
11 attend church services here?

12 **INMATE JOHNSON:** Sometimes, sometimes,  
13 I'm not a Christian, I'm not a Buddhist or  
14 anything like that but I definitely believe in  
15 God.

16 **DEPUTY COMMISSIONER BLONIEN:** Your not a  
17 Christian, your not a Buddhist so how would you  
18 define yourself?

19 **INMATE JOHNSON:** I believe that religion  
20 separates and I believe that we all come from  
21 God and so like I'm into like reading self help  
22 books, I read the bible, I read the Koran, I've  
23 studied different religious beliefs but in the  
24 end I just believe we are all one. If I get a  
25 chance I would like to get into separation.

26 **DEPUTY COMMISSIONER BLONIEN:** You have  
27 several chronos. You just completed, there is a

1 chrono 1/31/06 that you completed the Victim  
2 Awareness Offender Program and you were  
3 instrumental in requesting the program for Mule  
4 Creek. What did you learn?

5 **INMATE JOHNSON:** It's a program that Matt  
6 came up with originally for CYA and it's about  
7 teaching you to get in touch with how the victim  
8 felt, to sympathize with the victim, to  
9 empathize with the victim, put yourself in that  
10 person's shoes and say okay well, I mean cause  
11 like let's say this crime right here, Ellis  
12 Foots was a drug dealer, I don't know what he is  
13 today but originally when I was arrested it was  
14 real easy for me to minimize and say to myself  
15 it was okay because he wasn't really that  
16 important etcetera but as I have grown I've  
17 learned something, you know what how would my  
18 grandmother feel and although I didn't like him  
19 I wouldn't want anybody to do that to me and it  
20 wasn't okay that I did it.

21 **DEPUTY COMMISSIONER BLONIEN:** I was  
22 wondering as you were describing your treatment  
23 of him, that you fed him and allowed him to go  
24 to the bathroom but his eyes had duct tape on  
25 them, his feet and hands were bound.

26 **INMATE JOHNSON:** They were.

27 **DEPUTY COMMISSIONER BLONIEN:** That wasn't

1 pretty good treatment I have to tell you, that  
2 was terror for him.

3 **INMATE JOHNSON:** And say like the  
4 Victim's Awareness Program, that helped me to  
5 like, like I okay I've said in the past where we  
6 you know we didn't torture him or anything like  
7 that but I was able to get in touch with the  
8 reality that we terrorized him.

9 **DEPUTY COMMISSIONER BLONIEN:** Which is  
10 torture?

11 **INMATE JOHNSON:** Yeah, that's right.

12 **DEPUTY COMMISSIONER BLONIEN:** You  
13 completed an eight hour anger management course  
14 on October 14<sup>th</sup>, 2005.

15 **INMATE JOHNSON:** Yes.

16 **DEPUTY COMMISSIONER BLONIEN:** You  
17 assisted with re-entry job search workshop, you  
18 came to the workshop well prepared and  
19 demonstrated a positive attitude toward both the  
20 instructor and fellow participants, talks about  
21 your participation in CGAA, CGA, and  
22 participation in a special workshop on the  
23 Importance of Recovery and the Dangers of  
24 Relapse, this workshop was conducted to address  
25 fundamental general principles that encompass  
26 the need for change in practical application. I  
27 am reading from the chronos and not from your

1 counselors report because you know it's just a  
2 liner to but in your particular situation on the  
3 chronos it shows your personal involvement or  
4 structuring or bringing the groups together and  
5 your active articulate participation. One thing  
6 that I wanted to talk to you about is your work,  
7 you've worked up in the EOP ward working with  
8 the special needs inmates which isn't an easy  
9 thing to do, you've worked as a clerk and when I  
10 look at your job evaluations I was looking to  
11 see how far back I would have to go because you  
12 had all exceptional and then 2003 you must have  
13 ran into a different supervisor or something  
14 because all of a sudden you had satisfactory and  
15 below in a few arenas, what happened there?

16 **INMATE JOHNSON:** I broke my leg in 2003  
17 and the supervisor was mad at me, I think she  
18 was mad at me because I couldn't perform all of  
19 the duties that I used to be able to perform and  
20 she wanted to hire someone else but they were  
21 basically saying that no they had to keep me and  
22 it disallowed me to do less work thus I wasn't  
23 able to do all of the things that I used to do  
24 okay, go out and play baseball with guys,  
25 basketball and you know like that job entails  
26 running up and down the tiers, getting people  
27 for the psychologist, stuff like that to talk

1 to. So I was limited in what, limited in what I  
2 could do.

3 **DEPUTY COMMISSIONER BLONIEN:** It's a very  
4 difficult position because you have to move  
5 people that don't want to be moved sometimes and  
6 talk them into doing things that they don't  
7 necessarily want to do and keep peace in the  
8 tier while you are doing it and before that time  
9 you had all exceptional so I was wondering what  
10 happened, I was also wondering what happened  
11 with all your medical chronos so now you've told  
12 me you broke your leg. How did you break your  
13 leg?

14 **INMATE JOHNSON:** Playing basketball.

15 **DEPUTY COMMISSIONER BLONIEN:** Going in  
16 for a lay up?

17 **INMATE JOHNSON:** You know what, I jumped  
18 up and a guy -- I jumped up and I jumped up for  
19 a rebound and a guy's foot was right there and  
20 he came down on my ankle and popped it.

21 **DEPUTY COMMISSIONER BLONIEN:** It happens  
22 in professional also. We're back on tape side  
23 two. You have also taken Advanced Parenting  
24 Skills, you have children.

25 **INMATE JOHNSON:** Yup.

26 **DEPUTY COMMISSIONER BLONIEN:** How many?

27 **INMATE JOHNSON:** Three.

1           **DEPUTY COMMISSIONER BLONIEN:** I read  
2 somewhere five?

3           **INMATE JOHNSON:** I have step children too  
4 but I no longer have contact.

5           **DEPUTY COMMISSIONER BLONIEN:** I saw you  
6 had at one time three children that were all  
7 three years old, were they triplets?

8           **INMATE JOHNSON:** No.

9           **DEPUTY COMMISSIONER BLONIEN:** No? Three  
10 different moms?

11          **INMATE JOHNSON:** Different moms.

12          **DEPUTY COMMISSIONER BLONIEN:** All with  
13 the same age child. Those were all three yours?

14          **INMATE JOHNSON:** Yeah, March 20<sup>th</sup> my  
15 oldest just turned 14 two days ago.

16          **DEPUTY COMMISSIONER BLONIEN:** And are you  
17 in contact with all three?

18          **INMATE JOHNSON:** No, just two of them.

19          **DEPUTY COMMISSIONER BLONIEN:** Two of them  
20 and they write to you or do they come see you?

21          **INMATE JOHNSON:** They write to me, I've  
22 seen them. My son lives in the Los Angeles area  
23 so I don't get to see him that much. My  
24 daughter stays in the bay area.

25          **DEPUTY COMMISSIONER BLONIEN:** And they  
26 are doing well?

27          **INMATE JOHNSON:** They are doing great.

1           **DEPUTY COMMISSIONER BLONIEN:** There in  
2 school?

3           **INMATE JOHNSON:** Going to school, asking  
4 tough questions.

5           **DEPUTY COMMISSIONER BLONIEN:** What is  
6 your pay number?

7           **INMATE JOHNSON:** I make I think twenty  
8 four cents an hour.

9           **DEPUTY COMMISSIONER BLONIEN:** So how much  
10 a month is that?

11          **INMATE JOHNSON:** Comes out to about  
12 twenty seven dollars.

13          **DEPUTY COMMISSIONER BLONIEN:** So that  
14 really doesn't give you any opportunity to send  
15 any money home.

16          **INMATE JOHNSON:** No.

17          **DEPUTY COMMISSIONER BLONIEN:** Because you  
18 have to take care of your own personal needs.

19          **INMATE JOHNSON:** Yes.

20          **DEPUTY COMMISSIONER BLONIEN:** In the  
21 institution. You worked in a Juvenile Diversion  
22 Program?

23          **INMATE JOHNSON:** Yeah.

24          **DEPUTY COMMISSIONER BLONIEN:** What was  
25 that?

26          **INMATE JOHNSON:** They had like a they --  
27 back in I think it was either 2001 or 2002 and



1 they were going to start up, they started up  
2 like a Scared Straight, Scared Straight Program  
3 and we had like one group of children that came  
4 through from the Amador area and just basically  
5 tried to walk them around and show them what  
6 prison was like and deter them from ever wanting  
7 to come here.

8 **DEPUTY COMMISSIONER BLONIEN:** They ask  
9 you any good questions?

10 **INMATE JOHNSON:** They asked me rough  
11 questions.

12 **DEPUTY COMMISSIONER BLONIEN:** Like what?

13 **INMATE JOHNSON:** Why we did what we did,  
14 what were we like when we were children, what do  
15 we think our mistakes were.

16 **DEPUTY COMMISSIONER BLONIEN:** And Mr.  
17 Biggers asked you the question about your  
18 brother you never really answered it, where is  
19 he now?

20 **INMATE JOHNSON:** Still out there doing  
21 exactly the same thing he was doing when I got  
22 arrested.

23 **DEPUTY COMMISSIONER BLONIEN:** And looking  
24 at -- you've been at several different prisons.  
25 As I was reading it I was it, your C File, I  
26 was wondering who you were because your level of  
27 programming is either way up here or way down

1 here, there is not a lot in between and here  
2 this is a good prison for you.

3 **INMATE JOHNSON:** This is a great prison.

4 **DEPUTY COMMISSIONER BLONIEN:** You get to  
5 program and they've allowed you to use your  
6 initiative. You were chair of the Men's  
7 Advisory Counsel in SATF?

8 **INMATE JOHNSON:** Yes.

9 **DEPUTY COMMISSIONER BLONIEN:** And then I  
10 saw you had one teacher whose -- who wrote that  
11 you don't focus in class that you talk to much.

12 **INMATE JOHNSON:** Electronics.

13 **DEPUTY COMMISSIONER BLONIEN:** Yeah and so  
14 I was just wondering who you are, you are  
15 evolving.

16 **INMATE JOHNSON:** Well I am growing up.

17 **INMATE JOHNSON:** How old are you now?

18 **INMATE JOHNSON:** Thirty four.

19 **DEPUTY COMMISSIONER BLONIEN:** In looking  
20 at your psych report the doctor notes that under  
21 diagnostic impressions there is no mental  
22 illness, that you do have an antisocial  
23 personality disorder by history not in  
24 actuality. But you don't have any medical  
25 conditions and you have a Global Assessment of  
26 Function Score of 85 which a very high score  
27 especially from this particular doctor, Doctor

1 Weber. That means that not only do you function  
2 extremely well in the institution but that in  
3 the community you would be a highly functioning  
4 individual. That looking at your risk for  
5 violence he noted that the nature of the crime  
6 indicates that your judgment was impaired and  
7 your problem solving skills were omitted, that  
8 you have a history of criminal behavior and a  
9 allegiance to a street code indicating the  
10 antisocial orientation to life but by history of  
11 physical abuse in your household, violence was  
12 viewed as acceptable. Then on the other side  
13 you have successfully participated in education  
14 and self help programs, that you've only had one  
15 disciplinary infraction since being  
16 incarcerated. Unfortunately that one was for  
17 mutual combat in 2002. But witnesses testified  
18 at your 115 that you tried to avoid that  
19 confrontation and that indicates that you've  
20 learned to control your behavior, that you've  
21 maintained strong family bonds through out the  
22 years of incarceration, that your remorse and  
23 personal transformation appear to be genuine and  
24 that you assist staff when ever possible, you  
25 seem genuinely interested in the welfare of  
26 others and based on the factors he indicates  
27 that you have a low risk in the category for

1 violence if paroled and that he believes that  
2 you would have little difficulty readjusting to  
3 life outside of prison and that you wouldn't  
4 need any treatment for either mental health or  
5 substance abuse. So have you kept up with the  
6 world going by as you have been in here?

7 **INMATE JOHNSON:** The news, yeah.

8 **DEPUTY COMMISSIONER BLONIEN:** How often  
9 do you get visits from your family?

10 **INMATE JOHNSON:** My last visit was in  
11 November of last year. My sister went and got  
12 my son and brought him up, I got to see him for  
13 his birthday.

14 **DEPUTY COMMISSIONER BLONIEN:** His  
15 fourteenth birthday?

16 **INMATE JOHNSON:** No, he's thirteen.

17 **DEPUTY COMMISSIONER BLONIEN:** Thirteen.

18 **INMATE JOHNSON:** Turned thirteen that  
19 day.

20 **DEPUTY COMMISSIONER BLONIEN:** Is there  
21 anything else that you have been doing in the  
22 institution that we haven't talked about that  
23 you want to put on the record?

24 **INMATE JOHNSON:** No, we're trying to get  
25 the Victim Awareness -- we the Victim Awareness  
26 Program was a pilot program that we started in  
27 the computer class and we are trying to get it

1 to spread to the yard. It was pretty successful  
2 and we're trying to integrate it into the yard,  
3 possibly all the yards, get it moved to other  
4 prisons.

5 **DEPUTY COMMISSIONER BLONIEN:** And in  
6 talking about parole, where do you plan to  
7 parole?

8 **INMATE JOHNSON:** I can parole to my  
9 brother's house and --

10 **DEPUTY COMMISSIONER BLONIEN:** He lives?

11 **INMATE JOHNSON:** He lives in Visalia and  
12 he has a job for me in his restaurant.

13 **DEPUTY COMMISSIONER BLONIEN:** What kind  
14 of restaurant?

15 **INMATE JOHNSON:** He owns kind of like a  
16 Denny's or something like it, it's not a Denny's  
17 but it's something along those lines. Some  
18 chain of restaurants that he bought into so it's  
19 that type of restaurant and go to school.

20 **DEPUTY COMMISSIONER BLONIEN:** And what  
21 would you do for your job in a restaurant?

22 **INMATE JOHNSON:** What ever he assigned  
23 me. He wanted my to be a Human Resource  
24 Manager, I think I would need some more training  
25 to do that but wash dishes, wait tables, what  
26 ever he needed me to do.

27 **DEPUTY COMMISSIONER BLONIEN:** So if you

1 can't go to his house what's your next plan?

2 **INMATE JOHNSON:** The next plan is to go  
3 either to my grandparent's house who live in San  
4 Francisco and or go to my sister's house who  
5 lives in Oakland.

6 **DEPUTY COMMISSIONER BLONIEN:** And if you  
7 continue --

8 **INMATE JOHNSON:** I don't have any  
9 employment plans for either residence but there  
10 was a parole officer who came up here and he was  
11 informing us about PAC, you know when a person  
12 paroles and they go and PAC would advise them of  
13 where the jobs are located and just some things  
14 like that so I would be at a PAC meeting the  
15 very next day and try to get a job.

16 **DEPUTY COMMISSIONER BLONIEN:** So and the  
17 skills that you would utilize are your office  
18 skills?

19 **INMATE JOHNSON:** Office skills, I have  
20 learned computer skills.

21 **DEPUTY COMMISSIONER BLONIEN:** That would  
22 be incorporated in office skills.

23 **INMATE JOHNSON:** Yeah, all office skills,  
24 paralegal skills, possibly trying to apply for  
25 getting a job with lawyers. I would possibly  
26 try -- I got a letter from a friend just last  
27 night that talking about, he works in Juvenile

1 Hall in San Francisco and he was asking me if I  
2 would be interested in coming up and  
3 participating in workshops and trying to get  
4 juveniles to work on lifestyle.

5 **DEPUTY COMMISSIONER BLONIEN:** You have a  
6 letter from your sister whose name is Melina?

7 **INMATE JOHNSON:** Yes.

8 **DEPUTY COMMISSIONER BLONIEN:** And she  
9 thinks very highly of you and she seems like a  
10 very righteous God fearing woman.

11 **INMATE JOHNSON:** She is.

12 **DEPUTY COMMISSIONER BLONIEN:** Well that's  
13 what I was asking you about your religion  
14 because she is going to involve you in faith  
15 based endeavors to. Have you talked to her  
16 about that?

17 **INMATE JOHNSON:** We have, you know what,  
18 we've discussed like over the years like I've  
19 studied like Christianity and I've studied with  
20 the Muslims and just my own spiritual lines  
21 period and I like -- you ever heard of Wayne  
22 Dyers about the Wayne Dyers?

23 **DEPUTY COMMISSIONER BLONIEN:** Not that I  
24 have heard of him.

25 **INMATE JOHNSON:** Okay so I like the way  
26 he puts it, it's just -- for me it's just saying  
27 okay we are all one, that's just my bottom line,

1 we just all one.

2 **DEPUTY COMMISSIONER BLONIEN:** And you  
3 have your own website?

4 **INMATE JOHNSON:** Yes.

5 **DEPUTY COMMISSIONER BLONIEN:** How do you  
6 have your own website?

7 **INMATE JOHNSON:** Someone is hosting the  
8 website for me.

9 **DEPUTY COMMISSIONER BLONIEN:** And they  
10 pass information?

11 **INMATE JOHNSON:** I give them the  
12 information and it's called Realistic Reform dot  
13 com and the objective of the website is to  
14 possibly reform the Penal System and to get  
15 assistance to start. The idea is to get  
16 programs in here that are more realistic and  
17 geared to what actually setting people up to  
18 succeed. I've recognized a lot of problems in  
19 the Penal System since I've been in it so it's  
20 kind of like my way of making recommendations  
21 and putting it on line.

22 **DEPUTY COMMISSIONER BLONIEN:** Well she  
23 lists all of your accomplishments including  
24 creative writing projects, your website, your  
25 religious studies. She herself has been  
26 employed with law enforcement, judicial branches  
27 of government and she is very supportive of you



1 and once you get a parole date she will be there  
2 with money, food, shelter, clothing, help you  
3 with resocialization, the practicality of  
4 obtaining ID's and drivers license and she will  
5 be there for all of that for you and helping you  
6 establish a career.

7 **INMATE JOHNSON:** Yes.

8 **DEPUTY COMMISSIONER BLONIEN:** Your  
9 grandparents James and (indiscernible) Johnson  
10 wrote a letter and they say that they fully  
11 support you, that you can live in there house.  
12 They'll help you while you get back on your  
13 feet, they'll help you find a job and in any  
14 other way that they can, they are there for you.  
15 And then your brother, Deshaun the one who owns  
16 the restaurant in Visalia says that he is there  
17 for your continued support and that you can stay  
18 at his house and will give you a job at his  
19 restaurant, that he will take care of anything  
20 he can. The law is not set that it's up to the  
21 Parole Board to what County you parole to when  
22 you parole and it's a decision that when  
23 suitability is granted they can let you go to  
24 somewhere other than your county of commitment.  
25 So that is good information for you to have  
26 especially when your parole plan is stronger one  
27 place than the other. And you have a lot of

1 support. Your family loves you and has stuck by  
2 you and they believe in you. That's more than I  
3 would say 80% of the inmates out in the yard  
4 have wouldn't you?

5 **INMATE JOHNSON:** Unfortunately yes.

6 **DEPUTY COMMISSIONER BLONIEN:** Yeah, we  
7 also sent out 3042 notices to law enforcement  
8 agencies, victim next of kin, and although we  
9 didn't receive any letters we do have a  
10 representative of the District Attorney's Office  
11 here and he will be given the opportunity to  
12 speak and ask questions at the appropriate time.

13 **INMATE JOHNSON:** Okay.

14 **DEPUTY COMMISSIONER BLONIEN:** So with  
15 that I am going to return to the chair.

16 **PRESIDING COMMISSIONER BIGGERS:** Mr.  
17 Johnson I am still slightly confused as to the  
18 incident. I hate to just go back to it but  
19 there are just some things that just don't seem  
20 to make sense in the record. Initially you told  
21 me that when you all went out there and you  
22 kidnapped Mr. Foots was he by himself?

23 **INMATE JOHNSON:** No.

24 **PRESIDING COMMISSIONER BIGGERS:** Who was  
25 he with?

26 **INMATE JOHNSON:** He was with a friend.

27 **PRESIDING COMMISSIONER BIGGERS:** Do you

1 know who that friend was?

2 **INMATE JOHNSON:** No, it's in the record.  
3 I can't tell you off -- I don't recall.

4 **PRESIDING COMMISSIONER BIGGERS:** Was it  
5 two or three or one?

6 **INMATE JOHNSON:** It was who was right  
7 there when we drove up was his girlfriend was  
8 there and his other friend was there, a male  
9 friend.

10 **PRESIDING COMMISSIONER BIGGERS:** Let me  
11 just read what the record says here. Shortly  
12 before 10:00 A.M. Ellis Foots, Thomas Miller  
13 Junior, and Aisha Knowles walked out to the  
14 front security gate of 471 (indiscernible) as  
15 planned as we talked about, came upon the trio  
16 from the opposite end of the street and that  
17 included Mr. Foots and all jumped out of there  
18 respective vehicles armed with handguns. You  
19 told me there was only one gun.

20 **INMATE JOHNSON:** No I said I had a gun.

21 **PRESIDING COMMISSIONER BIGGERS:** Okay,  
22 you yelled to Foots that you were San Diego  
23 Police, Foots put the bag he was carrying, a  
24 quantity of cocaine, you then confronted him and  
25 ordered him to the ground and that the handcuffs  
26 were provided by Mooreland. And then you told  
27 me that you did not go to LA with them, did you

1 ever go to LA?

2 **INMATE JOHNSON:** No, Mr. Mooreland  
3 alleged that I went to LA but I did not go to  
4 LA.

5 **PRESIDING COMMISSIONER BIGGERS:** You did  
6 not go to LA. All right. And also it says here  
7 and I'm sorry I missed this earlier but it says  
8 that Mr. Bond who is a friend of yours?

9 **INMATE JOHNSON:** No not a friend.

10 **PRESIDING COMMISSIONER BIGGERS:** Well who  
11 showed up with the two handguns that they said  
12 you were carrying here? Mike showed up at the  
13 (indiscernible) to drop off two handguns that he  
14 had been carrying for Mr. Johnson. I wasn't  
15 sure Mr. Johnson was running from the police or  
16 if he had been apprehended.

17 **INMATE JOHNSON:** I was in custody, Mike  
18 is the one of the guys I called, I called Mr.  
19 Mooreland, I called Mr. Washington and I called  
20 Mike all of whom were at the scene where the  
21 crime originally took place. When I was taken  
22 into custody Mike went to where James and them  
23 had Mr. Foots, this was at Mr. Bonds' house. He  
24 dropped the guns off and left but the guns were  
25 guns that were at the scene when the crime  
26 occurred.

27 **PRESIDING COMMISSIONER BIGGERS:** Okay so

1 you never went to LA, you never rented a van to  
2 go to LA?

3 **INMATE JOHNSON:** I did not go to LA.

4 **PRESIDING COMMISSIONER BIGGERS:** Okay,  
5 all right. Is there anything else that I missed  
6 in this, I see also that you wrote a -- you ever  
7 been involved with selling drugs or anything?

8 **INMATE JOHNSON:** I guess the best way to  
9 describe my attitude towards drugs is my mother  
10 was a crack addict, I have a real problems with  
11 drugs, a real, real problem. It does not -- I  
12 just take real offense to drugs.

13 **PRESIDING COMMISSIONER BIGGERS:** Did you  
14 participate in an article that we presented in  
15 San Francisco Examiner?

16 **INMATE JOHNSON:** Yeah.

17 **PRESIDING COMMISSIONER BIGGERS:** Did you  
18 portray yourself as a 17 year old college bound  
19 student working as an intern at a local TV  
20 station?

21 **INMATE JOHNSON:** Yes.

22 **PRESIDING COMMISSIONER BIGGERS:** And that  
23 you one time dealt crack cocaine?

24 **INMATE JOHNSON:** Previously when I was  
25 young and growing up I did, I was involved.

26 **PRESIDING COMMISSIONER BIGGERS:** That's  
27 what I'm asking, you said that you had a strong

1 problems.

2           **INMATE JOHNSON:** I have a strong problem  
3 with drugs.

4           **PRESIDING COMMISSIONER BIGGERS:** Okay all  
5 right. And also and I don't know how I missed  
6 this but at age 19 you applied for a California  
7 Driver's License under an assumed name?

8           **INMATE JOHNSON:** That was part of that  
9 (indiscernible) case I call it.

10          **PRESIDING COMMISSIONER BIGGERS:** And  
11 posing as a credit card holder, and posing as a  
12 credit card holder in order to have it delivered  
13 to Evan White and a duplicate of the card at an  
14 address in Oakland is that right?

15          **INMATE JOHNSON:** Yes.

16          **PRESIDING COMMISSIONER BIGGERS:** Okay,  
17 you have any further questions from what I --

18          **DEPUTY COMMISSIONER BLONIEN:** Yeah I do.  
19 In reading the probation officers report you  
20 told them that the reason that all of this went  
21 down was because of your girlfriend. You didn't  
22 mention the incident in Oakland where a gun was  
23 drawn on you but that you were having problems  
24 with this girl who was your girlfriend.

25          **INMATE JOHNSON:** Leshawn.

26          **DEPUTY COMMISSIONER BLONIEN:** Leshawn?

27          **INMATE JOHNSON:** I think that it is in

1 there somewhere that the gun incident took  
2 place, somewhere in the file. I don't know if  
3 it was involved --

4 **DEPUTY COMMISSIONER BLONNIEN:** What about  
5 Leshawn, was she contributory at least?

6 **INMATE JOHNSON:** In this crime?

7 **INMATE JOHNSON:** Yeah.

8 **DEPUTY COMMISSIONER BLONNIEN:** Because she  
9 was your girlfriend and she was --

10 **INMATE JOHNSON:** She was having -- she  
11 was sleeping with both us so that was part of  
12 why the ongoing feud too. She wasn't helpful to  
13 it.

14 **DEPUTY COMMISSIONER BLONNIEN:** And she's  
15 not the mother of any of your children?

16 **INMATE JOHNSON:** No.

17 **DEPUTY COMMISSIONER BLONNIEN:** And where  
18 did she get the gun?

19 **INMATE JOHNSON:** I bought -- my guns came  
20 off -- I bought them off the streets, I didn't  
21 walk into like a store and buy them like I told  
22 them earlier, I had several guns.

23 **DEPUTY COMMISSIONER BLONNIEN:** And did you  
24 always carry a gun?

25 **INMATE JOHNSON:** In the period after my  
26 brother was shot I always had a gun.

27 **DEPUTY COMMISSIONER BLONNIEN:** And when

1 you read your record it doesn't sound like you  
2 had that much contact with law enforcement but  
3 the detective who investigated the case seemed  
4 to know you very well and says that you are  
5 highly manipulative.

6 **INMATE JOHNSON:** Investigated what case,  
7 this case?

8 **DEPUTY COMMISSIONER BLONNIEN:** This case.

9 **INMATE JOHNSON:** The Daly City thing, I  
10 didn't know him.

11 **DEPUTY COMMISSIONER BLONNIEN:** No?

12 **INMATE JOHNSON:** No, no prior contact,  
13 never met him in my life.

14 **DEPUTY COMMISSIONER BLONNIEN:** Oh, maybe  
15 when he questioned you, you weren't to  
16 cooperative.

17 **INMATE JOHNSON:** I wasn't, I admitted my  
18 part. I refused to tell on Leshawn and I  
19 refused to tell on Mike, any of the people they  
20 had apprehended.

21 **DEPUTY COMMISSIONER BLONNIEN:** This didn't  
22 go to trial as a plea bargain right?

23 **INMATE JOHNSON:** No it wasn't. I ended  
24 up going to trial.

25 **DEPUTY COMMISSIONER BLONNIEN:** You went to  
26 trial?

27 **INMATE JOHNSON:** I did go to trial.



1           **DEPUTY COMMISSIONER BLONIEN:** And did the  
2 victim testify?

3           **INMATE JOHNSON:** Yeah he did.

4           **DEPUTY COMMISSIONER BLONIEN:** That's all  
5 I have.

6           **PRESIDING COMMISSIONER BIGGERS:** Okay,  
7 Mr. District Attorney.

8           **DEPUTY DISTRICT ATTORNEY GELLAGHER:** All  
9 right thank you. Just a couple questions as  
10 relates to the prior crime. Would the board ask  
11 the inmate if earlier today if he believes that  
12 the full extent of his contact with Mr. Foots  
13 was as explained to the board today?

14           **PRESIDING COMMISSIONER BIGGERS:** You can  
15 answer him.

16           **INMATE JOHNSON:** Yeah.

17           **DEPUTY DISTRICT ATTORNEY GELLAGHER:**  
18 Would the board ask the inmate if he recalled  
19 offering a different version of the  
20 justification for the kidnapping or contact with  
21 Mr. Foots to the Police Department at the time  
22 of his arrest?

23           **INMATE JOHNSON:** Not in any significant  
24 way no.

25           **DEPUTY DISTRICT ATTORNEY GELLAGHER:**  
26 Would the board ask the inmate if he recalled  
27 telling the police that Mr. Foots had been

1 involved in a kidnapping of the inmate where he  
2 was abused and sexually abused and held for four  
3 days?

4 **INMATE JOHNSON:** That is in that  
5 transcript yes.

6 **PRESIDING COMMISSIONER BIGGERS:** Did you  
7 make the statement?

8 **INMATE JOHNSON:** I did make the  
9 statement, the statement was not true.

10 **PRESIDING COMMISSIONER BIGGERS:** In other  
11 words you lied to the police?

12 **INMATE JOHNSON:** I did lie.

13 **PRESIDING COMMISSIONER BIGGERS:** Okay.

14 **DEPUTY DISTRICT ATTORNEY GELLAGHER:** And  
15 would the board ask the inmate if he recalled  
16 that Mr. Mooreland and Mr. Bonds testified at  
17 his jury trial?

18 **INMATE JOHNSON:** Yeah and Mr. Washington  
19 testified too, all three of my co-defendants  
20 testified.

21 **DEPUTY DISTRICT ATTORNEY GELLAGHER:** And  
22 would the board ask the inmate if he recalled  
23 Mr. Mooreland in fact did indicate at trial that  
24 you had gone to Los Angeles with them?

25 **INMATE JOHNSON:** He did say that in trial  
26 yes he did.

27 **DEPUTY DISTRICT ATTORNEY GELLAGHER:** And

1 would the board ask the inmate if the inmate  
2 recalls from trial whether there was any other  
3 evidence that he had been in Los Angeles meaning  
4 airline tickets, hotel receipts?

5 **INMATE JOHNSON:** There was actually no  
6 evidence placing me in Los Angeles and in fact  
7 one of the things that my lawyer -- I asked my  
8 lawyer and I don't know if he passed it along to  
9 the District Attorney's Office was that Mr.  
10 Mooreland was using this credit card thing and  
11 he was with someone else. There was video and  
12 stuff like that and the way that he was shopping  
13 and stuff like that. We tried to get the videos  
14 to show that I was not the other person but the  
15 videos were never forthcoming and I was never  
16 charged with that ad Mr. Mooreland was.

17 **DEPUTY DISTRICT ATTORNEY GELLAGHER:** Now  
18 would the board ask the inmate if he recalls  
19 being the conspirator who went to pick up the  
20 ransom money when it was dropped?

21 **INMATE JOHNSON:** I was one of the people  
22 in the vehicle yes.

23 **PRESIDING COMMISSIONER BIGGERS:** To us  
24 please.

25 **INMATE JOHNSON:** Oh excuse me, yes I was.

26 **DEPUTY DISTRICT ATTORNEY GELLAGHER:** And  
27 would the board ask the inmate who the other

1 persons were?

2 **INMATE JOHNSON:** Marvin Bonds.

3 **DEPUTY DISTRICT ATTORNEY GELLAGHER:** And

4 --

5 **INMATE JOHNSON:** Excuse me, I don't know  
6 if I should ask this.

7 **PRESIDING COMMISSIONER BIGGERS:** You have  
8 to ask me.

9 **INMATE JOHNSON:** Okay.

10 **PRESIDING COMMISSIONER BIGGERS:**

11 Everything is done through the panel.

12 **INMATE JOHNSON:** Okay, we were -- all of  
13 us were involved but there were two of us who  
14 left the house and went to pick up the ransom  
15 money and that was me and Bonds, yes.

16 **DEPUTY DISTRICT ATTORNEY GELLAGHER:** And  
17 would the board ask the inmate if they then  
18 returned to the apartment and were arrested  
19 while in the apartment counting that ransom  
20 money?

21 **INMATE JOHNSON:** We were.

22 **DEPUTY DISTRICT ATTORNEY GELLAGHER:**

23 Would the board ask the inmate if he testified  
24 at his jury trial that Mr. Bonds had threatened  
25 your life, his life meaning your life, if you  
26 didn't participate in the kidnapping for ransom?

27 **INMATE JOHNSON:** Yeah, I did testify to

1 that.

2 **DEPUTY DISTRICT ATTORNEY GELLAGHER:** And  
3 would the board ask the inmate if that was true?

4 **PRESIDING COMMISSIONER BIGGERS:** Was that  
5 true?

6 **INMATE JOHNSON:** Yes it is true in part  
7 and let me explain why. Mr. Bonds made it clear  
8 that Mr. Foots was going to be killed, when I  
9 showed up they told me and they confessed this  
10 to the police officers the same night we got  
11 arrested that when they didn't know where I was  
12 they had went out and scouted a spot to dump his  
13 body in so when I showed up it was made clear to  
14 me from Mr. Bonds that they had already  
15 contemplated killing Mr. Foots because Mr. Foots  
16 had seen where Mr. Bonds lived and then after  
17 that, that's when we sat down and said hey man  
18 we'll do part of the ransom for dude and can  
19 basically pay for you to be relocated and he  
20 said look man this goes bad you know, he was  
21 willing to not only kill Bonds but kill me and  
22 kill anybody else who he felt was in his way.  
23 Bonds was willing to kill, that's all.

24 **DEPUTY DISTRICT ATTORNEY GELLAGHER:**  
25 Would the board ask the inmate if it is his  
26 belief that he only went along with the  
27 kidnapping scheme after Mr. Bonds had threatened

1 his life or was --

2 **INMATE JOHNSON:** I planned to kidnapping  
3 scheme but as far as the ransom scheme was gone  
4 along because at that point it was made clear  
5 that there had to be some compensation for him  
6 to relocate and all that but the only thing that  
7 I can say that, I was not okay with the killing  
8 thing. I was okay with everything else and I'm  
9 not just, I'm not here to blame it on anyone  
10 else, I took part in it.

11 **DEPUTY DISTRICT ATTORNEY GELLAGHER:**  
12 Would the board ask the inmate if he was the one  
13 who initially demanded a hundred thousand  
14 dollars from the Foots?

15 **INMATE JOHNSON:** I think that -- no I  
16 never was the one who demanded a hundred  
17 thousand dollars, it was like a plan. We all  
18 set down and it was like okay how much money  
19 will we ask for and stuff like that but, and it  
20 was discussed as far as how much money do you  
21 think this guy has but I don't recall any  
22 particular figures, I don't even recall the end  
23 sum turned out to be thirty five thousand.

24 **DEPUTY DISTRICT ATTORNEY GELLAGHER:**  
25 Would the board ask the inmate how long he  
26 estimates that they were sitting in the van  
27 across from the apartment before they saw Mr.

1 Foots and kidnapped him?

2 **INMATE JOHNSON:** It wasn't a van it was a  
3 car, I was there first when Leshawn told me  
4 where he was and when he showed up with someone  
5 else is when I called Arty Mooreland and then we  
6 started calling other people because we thought  
7 there might be some other people in the house.  
8 So I went there initially at the scene of the  
9 crime, I was the only one there.

10 **DEPUTY DISTRICT ATTORNEY GELLAGHER:** And  
11 so would the board ask the inmate about how long  
12 he was there before --

13 **INMATE JOHNSON:** Probably about an hour  
14 and a half, two hours.

15 **DEPUTY DISTRICT ATTORNEY GELLAGHER:** And  
16 would the board ask the inmate if he in fact was  
17 the one who went through the victim's wallet,  
18 took out his credit cards and passed it around?

19 **INMATE JOHNSON:** No, and the District  
20 Attorney's Office has records that indicate that  
21 that was done prior to me ever being released  
22 from custody, prior to me ever knowing where Mr.  
23 Foots was located.

24 **DEPUTY DISTRICT ATTORNEY GELLAGHER:**  
25 Would the board ask the inmate if he in fact  
26 went to Mr. Foots' house in an attempt to  
27 retrieve money from inside the house, inside the

1 safe or somewhere else?

2 **INMATE JOHNSON:** No.

3 **DEPUTY DISTRICT ATTORNEY GELLAGHER:**

4 Would the board ask the inmate if he knows if  
5 anyone did that and who was it?

6 **INMATE JOHNSON:** I am not sure that ever  
7 even occurred. I know that there was -- and I  
8 don't know if it's from reading records or what  
9 cause I've read these records myself. There was  
10 a discussion about like when his sister called  
11 the police and said that someone was going  
12 through his house, with counts or something like  
13 that, there was some type of discussion about  
14 someone going through his house or something  
15 like that but I don't know if it ever happened.

16 **DEPUTY DISTRICT ATTORNEY GELLAGHER:**

17 Would the board ask the inmate if what he's  
18 referring to, how he read the records has he  
19 read the prosecutors statement of 12/3/01?

20 **INMATE JOHNSON:** Mr., the person who  
21 prosecuted the case?

22 **DEPUTY DISTRICT ATTORNEY GELLAGHER:** Yes.

23 **INMATE JOHNSON:** I've read it yes.

24 **DEPUTY DISTRICT ATTORNEY GELLAGHER:** And  
25 would the board ask the inmate if he believes  
26 that it was an accurate statement of his  
27 participation in this crime and any other crimes



1 that are referring?

2 **INMATE JOHNSON:** You are referring to the  
3 Russo case.

4 **PRESIDING COMMISSIONER BIGGERS:** No to  
5 the panel.

6 **INMATE JOHNSON:** Oh excuse me, the  
7 District Attorney is referring to Al Russo an  
8 uncharged act and one of the questions you asked  
9 me earlier was how I would know to call somebody  
10 like Arty Mooreland, I knew Arty Mooreland was  
11 involved in criminal activity and one of the  
12 ways that this crime ended up morphed into what  
13 it morphed into was ideas that I got from Mr.  
14 Mooreland which now I know came from his being  
15 involved in another case.

16 **DEPUTY DISTRICT ATTORNEY GELLAGHER:** Okay  
17 would the board ask the inmate if he believes  
18 that the recitation in the prosecutor's  
19 statement is as far as your committed crime  
20 leaving Mr. Russo out of it, whether that is an  
21 accurate statement of his participation?

22 **INMATE JOHNSON:** I haven't read his -- I  
23 haven't read that recently so I don't want to  
24 say yeah and then there's something in there  
25 that I disagree with.

26 **DEPUTY DISTRICT ATTORNEY GELLAGHER:** And  
27 would the board ask the inmate if he is denying

1 Mr. Mooreland and Mr. Bonds' testimony at the  
2 inmate's trial where they implicated him in the  
3 kidnapping of Mr. Russo, does he deny that?

4 **INMATE JOHNSON:** Absolutely deny that and  
5 I'd like to ask some things.

6 **PRESIDING COMMISSIONER BIGGERS:** Just  
7 answer the questions please.

8 **DEPUTY DISTRICT ATTORNEY GELLAGHER:**  
9 Would the board ask the inmate if he recalls Mr.  
10 Fouts testifying at his trial that before the  
11 tape was pulled off his eyes in Mr. Bonds'  
12 apartment that he, Mr. Fouts had never set eyes  
13 on the inmate?

14 **INMATE JOHNSON:** I do recall him saying  
15 it.

16 **DEPUTY DISTRICT ATTORNEY GELLAGHER:** And  
17 would the board ask the inmate if that is a true  
18 statement?

19 **INMATE JOHNSON:** That was a lie.

20 **DEPUTY DISTRICT ATTORNEY GELLAGHER:** I  
21 think that's all I have thank you.

22 **PRESIDING COMMISSIONER BIGGERS:** Thank  
23 you. Defense Counsel.

24 **ATTORNEY CHLABEK:** No questions.

25 **PRESIDING COMMISSIONER BIGGERS:** Okay Mr.  
26 District Attorney would you like to close  
27 please.

1           **DEPUTY DISTRICT ATTORNEY GELLAGHER:** In  
2 terms of the factors in the suitability for  
3 release I think significantly the committing  
4 crime exhibits a significant mental cruelty and  
5 violence. This victim was held for a  
6 significant period of time, a number of days in  
7 what must have been a horrendous conditions  
8 constantly under the threat of death while this  
9 inmate was actively participating and even based  
10 on his version of the events was orchestrating  
11 events in order to gain a significant amount of  
12 money. It was a serious crime that indicates a  
13 great willingness to commit violence and  
14 presents unreasonable risk to the community at  
15 this point, at this juncture of the inmate's  
16 program. And I will submit.

17           **PRESIDING COMMISSIONER BIGGERS:** Okay  
18 thank you. Defense Counsel.

19           **ATTORNEY CHLABEK:** Yes we would ask the  
20 Commissioners to find my client suitable for  
21 parole and to grant him a date. When my client  
22 committed this crime he was 22, my client is now  
23 34 years old. He has greatly matured, he has  
24 been incarcerated over ten years on this crime,  
25 a long time to mature. My client did quite well  
26 in many respects on the outside prior to coming  
27 into prison. He got a high school diploma, he

1 got a scholarship to go to college for a year on  
2 a sports scholarship, he worked, he worked in a  
3 television station I believe in San Francisco, a  
4 group home as a counselor at one point and he  
5 also worked at Great America for two years on a  
6 seasonal basis. That indicates some initiative  
7 there. I think as my client TAPE Score is 12.9,  
8 his GEL is 12.9, he's clearly a person who has  
9 potential to do well in this world and he has  
10 applied that here at the prison. His criminal  
11 history is short, there are just two charges  
12 there. My client has improved his education  
13 here in the prison doing some alternative  
14 college programming, he already has his high  
15 school diploma so he wouldn't need to improve  
16 there. He does have some vocational for office  
17 services and he's got a certificate there so he  
18 could get employment in that area. He's been  
19 involved with the Criminal Gangs Anonymous for,  
20 looks like about four or five years, that's a  
21 very good program. He just completed the  
22 Victim's Awareness Program which I believe is  
23 part of Criminal Gangs Anonymous so he is doing  
24 quite a lot in self help. With respect to the  
25 psych eval, the psych eval is extremely positive  
26 I believe. It says he is a low risk for  
27 violence and that he would have little

1 difficulty adjusting back into the community at  
2 this point. My client -- the psych eval states  
3 that my client has no need of substance abuse  
4 counseling and that he has a GAF Score of 85  
5 which is actually really quite well. The fact  
6 that my client does not have a drug and alcohol  
7 problem is very significant with respect to  
8 doing well on the outside. That particular  
9 problem brings a great many people back into the  
10 system and the fact that he doesn't have any  
11 problems in that area will substantially  
12 minimize his possibility of coming back to  
13 prison. My client has an excellent record here  
14 in prison in terms of work, these are long term  
15 jobs that he's had, they are jobs that require  
16 high functioning individuals and he has been  
17 able to do that with exceptional category in  
18 many instances. There are several laudatory  
19 chronos regarding work and participating in  
20 programs here. He's got family support on the  
21 outside, he's got at least a couple of places to  
22 live and at least one or two jobs lined up for  
23 him. My client is prepared very well to go on  
24 the outside and my client if you ask him to be  
25 found suitable and be given the opportunity to  
26 get out on parole and with that we would submit  
27 it.

1           **PRESIDING COMMISSIONER BIGGERS:** Okay,  
2 you now have the chance Mr. Johnson to tell us  
3 why you feel you are suitable for parole.

4           **INMATE JOHNSON:** I believe I am suitable  
5 because I'm not the same person I was when  
6 incarcerated. I can't say that I lacked  
7 opportunities prior to coming to prison because  
8 I had opportunities. I worked at KGO, I worked  
9 in group homes, I was involved the Lakers' Boys  
10 Club, I knew undoubtedly that what I did was  
11 wrong and it took me coming here to grow up. To  
12 grow up in a fashion that I hadn't grown up  
13 prior to coming to prison. You know it took me  
14 a long time to come to terms and say okay you  
15 know this was a cruel crime, I did that. Like  
16 when the psychologist talked about allegiance to  
17 a street code, I didn't even really recognize at  
18 first that I had an allegiance to a street code.  
19 I just took a lot of things for granted in  
20 saying that certain things that was done was  
21 okay and that in a sense is what made me think  
22 that it was okay to confront Mr. Foots in the  
23 fashion that I did. And I can't undo it, I wish  
24 I could but I can't. I can't go back, there is  
25 nothing I can do to undo it but I know today  
26 that I would never ever break another law. I  
27 just wouldn't do it. I wouldn't put me at risk,

1 I wouldn't put my children at risk, I wouldn't  
2 put my sister in this type of pain, I wouldn't  
3 put my grandparents in this type of pain. I  
4 wouldn't put myself before. I believe that I  
5 can be a great contribution to society and going  
6 outside of here and sharing this experience with  
7 people. I've just sacrificed twelve and half  
8 years of my life for something that didn't have  
9 to happen. I never had to pick up the phone and  
10 call Mr. Mooreland. Even sitting here  
11 explaining it and going back and forth with you,  
12 I mean like with him, with the District  
13 Attorney, I mean how it happened, who is  
14 innocent you know what was said and all that and  
15 you know my bottom line is I did it you know. I  
16 have to accept responsibility, had I never  
17 picked up the phone none of this would have  
18 occurred. So it doesn't matter who did what,  
19 Lamerle Ryan Johnson has to own but I can tell  
20 you that I can look you in the faces as a man,  
21 as a human being and tell you I would never do  
22 it again. I am apologetic, I would just never  
23 do this again.

24 **PRESIDING COMMISSIONER BIGGERS:** Okay  
25 thank you very much. We will recess now.

26 **R E C E S S**

27 **--oOo--**

1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 DEPUTY COMMISSIONER BLONIEN: We're on  
4 record.

5 PRESIDING COMMISSIONER BIGGERS: We're  
6 back on record. The time is 4:15 P.M. in the  
7 matter of Mr. Johnson. The panel has reviewed  
8 and let me just state for the record that all  
9 persons that were here before are now back in  
10 the room. The panel has reviewed all the  
11 information received from the public and relied  
12 on the following circumstances in concluding  
13 that the prisoner is not suitable for parole and  
14 would pose an unreasonable risk of danger to  
15 society or a threat to public safety if released  
16 from prison. This was the factors that we used,  
17 first of all the offense was carried out in a  
18 specially cruel and callous manner. You  
19 actually kidnapped somebody, the plan went  
20 astray and you kidnapped and then you eventually  
21 robbed this person you know you took something  
22 from him, you went through his billfold. You  
23 took him, well maybe you didn't go through his  
24 billfold, I'm sorry. You kidnapped this  
25 individual for a purpose and that purpose was  
26 for -- later it turned out to be money. You



1 took him to a spot, it's hard to rationalize why  
2 you would do that to another individual and you  
3 started off saying it was just going to be that  
4 you were going to have you and your friends beat  
5 him up because something he had done to you  
6 before, I never got a clear picture of why this  
7 even came about and I will talk about that a  
8 little later because initially I got the  
9 impression that you were saying you were doing  
10 this because of something that had happened to  
11 your brother and then it became something else  
12 and again as I said I will talk about it a  
13 little later but the mere fact that you called  
14 some of your friends to go over there to attempt  
15 to beat up or talk to this individual and  
16 eventually became a kidnap for ransom is  
17 extremely cruel and callous. The offense was  
18 carried out in a manner that demonstrated an  
19 exceptionally callous disregard for human  
20 suffering. You tied this man up with duct tape  
21 and you put it over his eyes, that's -- when you  
22 pull duct tape off of somebody's face and  
23 especially the eyes it takes skin and everything  
24 else with it. Again as I said before, it  
25 started out being one thing and ended up being  
26 another and as you said before and I just never  
27 **LAMERLE JOHNSON J-92682 DECISION PAGE 2 3/22/06**

1 got a full understanding of the story as to why  
2 it took place and how it all happened. All of  
3 this was -- excuse me?

4 **ATTORNEY CHLABEK:** I was just clearing my  
5 throat, I'm sorry.

6 **PRESIDING COMMISSIONER BIGGERS:** Okay I'm  
7 sorry, I wanted to see if you had any  
8 objections.

9 **ATTORNEY CHLABEK:** No, no, no.

10 **PRESIDING COMMISSIONER BIGGERS:** Okay, we  
11 drew these conclusions from the statement of  
12 fact that was on the counselors report and the  
13 probation officer's report. We looked at your  
14 priors, you had a couple priors as an adult and  
15 you had one as a juvenile. You failed to profit  
16 from societies previous attempts to correct your  
17 criminality, in fact when you went to juvenile  
18 camp you walked away from there and that was  
19 because, that auto theft that you had. And put  
20 you in a camp, you walked away from that,  
21 couldn't determine whether you went back or not,  
22 I'm sure you did. But then on the adult side,  
23 you were charged and found guilty of receiving  
24 stolen property and for that you've received two  
25 years adult probation. The panel would like to  
26 commend you for you know being a high school

- 80

1 graduate and all of the work that you are doing  
2 here in the institution. You have very limited  
3 chronos, the institution behavior has been very  
4 good. You've had only one 128 and one serious  
5 115 for mutual combat that we saw that was one  
6 of these things where somebody else attacked  
7 you, but at the same time you still have a 115.  
8 So you should be commended for that, it's over a  
9 12 year period and that is quite well. However,  
10 you have that but it still doesn't overcome the  
11 fact that there are some other things that we  
12 think that you need to do in order to be  
13 paroled. Your psychiatry report was favorable  
14 but I got to tell you, I personally don't feel  
15 that you were very honest with us today. We had  
16 to drag things out of you, you know, you  
17 wouldn't tell us your version of something, then  
18 I would go back and the more I got into it I  
19 could pull different things out of you. So I  
20 didn't feel that you were as honest as you  
21 possibly could be with us and I think that you  
22 were holding back. You were just telling me  
23 just what you thought I wanted to hear. Your  
24 parole plans was not a total package as well.  
25 You sat here and you could stay with your sister  
26 or you could stay with your brother and when the  
27 **LAMERLE JOHNSON J-92682 DECISION PAGE 4 3/22/06**

1 Deputy Commissioner asked you about your  
2 employment plans well you said that you were  
3 going to work with your brother in a restaurant  
4 and you didn't know what type of restaurant it  
5 was. You said you thought it was something like  
6 a Denny's okay. If your going to be employed,  
7 then we got further into the finding out about  
8 the restaurant, what would you do there, well he  
9 initially wanted me to be the Human Resources  
10 person but I need further training, then you  
11 said that I'll do dishwashing, I'll do anything  
12 but then you need to find out what type and pin  
13 down as to what job you are going to have. We  
14 also noted that the District Attorney from San  
15 Mateo County in accordance with 3042 notices  
16 communicated opposition to a finding of parole  
17 suitability. The other thing that the panel  
18 looked at to was remorse, you know you said that  
19 you didn't feel that -- you got remorse for the  
20 victim in such a way but you could have stopped  
21 this at any time you know. This thing escalated  
22 and I think that's what I am getting at. It  
23 started out being something entirely different  
24 from what it was and at anytime you could have  
25 stopped that, you could have stopped it if you  
26 wanted to. It did not have to escalate all the  
27 **LAMERLE JOHNSON J-92682 DECISION PAGE 5 3/22/06**

1 way up to a kidnap for ransom. We also want to  
2 commend you for your work while you have been  
3 here in prison. You got your certification for  
4 a paralegal, your office services vocational,  
5 office services certification is good, your work  
6 with the victim's in juvenile services program  
7 is excellent as well so we definitely want to  
8 commend you for that. In a separate decision  
9 the panel finds that it's not reasonable to  
10 expect that parole be granted at a hearing  
11 during the following two years. And that was  
12 done primarily because again the offense was  
13 committed in an especially cruel manner in that  
14 you took your victim and you kept him for days.  
15 Tied him up with duct tape, he was probably  
16 fearing for his life not knowing what was going  
17 to happen and then there was a gun there as  
18 well. The offense was carried out in a manner  
19 which demonstrated exceptionally callous  
20 disregard for human suffering, again bounding  
21 somebody with duct tape over there eyes and it  
22 just to me, to us rather, it showed that you --  
23 he had to be suffering way enough to have  
24 forgotten what was going on especially with the  
25 duct tape around his eyes. The motive for the  
26 crime was inexplicable and very trivial in  
27 **LAMERLE JOHNSON J-92682 DECISION PAGE 6 3/22/06**

1 relation to the offense, again, you could have  
2 stopped it at any time. It started out being  
3 one thing and it escalated into something else  
4 and if your intentions were to just over there  
5 and confront the victim and you decided to  
6 escalate it by inviting other people in and then  
7 going all the way up to the money portion. We  
8 took into consideration your adult probation as  
9 I mentioned earlier and your auto theft, another  
10 reason for the multi year denial. The panel  
11 want to recommend that you do the following,  
12 that you remain disciplinary free, that even  
13 though you have a vocation in administrative  
14 management we would like to see you obtain  
15 another vocation so that in the event that you -  
16 - the one that you have right now is primarily  
17 administrative in nature and if it doesn't pan  
18 out you will have something else that you can  
19 fall back on. We feel you should get some self  
20 help to further assist you in understanding what  
21 your commitment offense is or was. I don't  
22 really think that you understand the magnitude  
23 of what you did by this kidnap for money, so you  
24 need to take a look at that because I don't  
25 think in here, just in the way that you talked  
26 to us today, we didn't get a sense that you

1 really understood the nature of your crime, or  
2 your commitment offense. Yeah you said okay I  
3 know what I did blah, blah, blah but do you know  
4 what you did to the victim or how it impacted  
5 that particular victim. And your plan, we  
6 talked a little bit about you going to LA, you  
7 had testimony and the record there from your  
8 crime partners who said yeah he did this and yes  
9 he did that. There was some inconstancies on  
10 what took place, who was involved in the  
11 conversations and we just feel that you need to  
12 take a little self help, analyze and come to the  
13 realization as to what actually took place. Did  
14 I miss anything Ma'am?

15 **DEPUTY COMMISSIONER BLONIEN:** No I think  
16 you hit everything.

17 **PRESIDING COMMISSIONER BIGGERS:** Okay  
18 well that concludes the hearing.

19 **INMATE JOHNSON:** Can I respond to any of  
20 that?

21 **ATTORNEY CHLABEK:** No.

22 //

23 //

24 //

25 //

26 //

27 **LAMERLE JOHNSON J-92682 DECISION PAGE 8 3/22/06**

1           **PRESIDING COMMISSIONER BIGGERS:** Good  
2 luck to you Sir, I wish you the best of luck.  
3 That will close the hearing. It is now 16:25  
4 P.M.

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23   **PAROLE DENIED TWO YEARS**  
24   **THIS DECISION WILL BE FINAL ON: 07/20/2006**  
25   **YOU WILL BE PROMPTLY NOTIFIED, IF PRIOR TO THAT**  
26   **DATE, THE DECISION IS MODIFIED.**  
27   **LAMERLE JOHNSON J-92682 DECISION PAGE 9 3/22/06**



CERTIFICATE AND  
DECLARATION OF TRANSCRIBER

I, SUE GERDES, a duly designated transcriber, PETERS SHORTHAND REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 - 85, and which recording was duly recorded at MULE CREEK STATE PRISON, IONE, CALIFORNIA, in the matter of the INITIAL PAROLE CONSIDERATION HEARING OF LAMERLE JOHNSON, CDC NO. J-92682, ON MARCH 22, 2006, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated April 11, 2006, at Sacramento,  
California.

*Sue Gerdes*

Sue Gerdes  
TRANSCRIBER  
**PETERS SHORTHAND REPORTING**